



# SELECTIONS

FROM THE

RECORDS OF THE GOVERNMENT,

NORTH WEST PROVINCES.



MR. THOMASON'S DESPATCHES.

VOL. II.

CALCUTTA:

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1858.



# MR. THOMASON'S DESPATCHES. .

## VOLUME II.

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IN this volume have been added several despatches, which do not form a part of Mr. Thomason's private collection referred to in the prefatory note to Volume I.; but which have been deemed by the Government to be of sufficiently general interest to render their publication useful.

By order of the Hon'ble the Lt.-Govr.

W. MUIR,

*Secy. to Govt. N. W. P.*





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52	" 20th.	Ditto.	Ditto.	Map of Bhutteena.
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62	" 17th.	Revenue.	Secy. Sudder Board.	Revision of settlement in Bij-nour.
63	June 7th.	Ditto.	Memo.	Map of the environs of Dehlie.
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46	July 10th.	Ditto.	Residt. at Indore.	Settlement of Pergunnahs Burrea and Kanapoor in Nimar.
45	Aug. 12th.	Ditto.	Ditto.	Settlement of Pergunnahs Kusrawnd, in Nimar.
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67	Oct. 8th.	Sep. Rev.	Ditto.	Cultivation of Poppy in the N. W. P.
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69	Nov. 30th.	Ditto.	Ditto.	Tuccavee Balances.
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71	June 2nd.	Revenue.	Commr. Ajmere.	Debt due by Marwar.
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76	" "	" "	" "	Revenue Code.



# DESPATCHES AND MINUTES

OF THE LATE

THE HONORABLE JAMES THOMASON.

---

No. 1.

PUNCTUAL SUBMISSION OF ACCOUNTS BY  
COLLECTORS.

No. 2188.

*To the Accountant, N. W. P.*

*Dated Agra, the 18th October, 1844.*

SIR,

FINANCIAL DEPARTMENT. I am desired by the Lieutenant-Governor to call your attention to the great importance of furnishing the public accounts with greater punctuality than has hitherto been the case, and to assure you of the assistance of the Government in the attainment of this object.

2. It is evident that the rapidity of your own operations must depend primarily on the punctuality with which the monthly accounts are furnished to you from the Mofussil offices; in order to ensure this punctuality you will observe the following instructions.

3. You will fix a certain date by which every Mofussil office should send in its accounts to you. The date will be determined with reference to the nature of the accounts, and the distance from Agra of the office which furnishes them.

4. You will monthly report to the Government the names of the Officers who have failed to send in their accounts by the fixed date, or to assign satisfactory reasons for the failure.

5. You will subject the accounts immediately on their receipt to the usual examination, and will report any cases in which

you find them to be so negligently or erroneously drawn up as to require particular notice.

6. You will use every effort to render the arrangements in your own office complete, for checking, adjusting, and consolidating the several Mofussil accounts.

7. At the same time that you exact from all subordinate Officers a strict performance of their duty, it is right that you should afford them every facility for acquiring a knowledge of their duties, and bringing them into practice. For this purpose you will prepare a Manual, explaining to all subordinate Officers of account the principles on which the system of accounts is formed, and giving them specimens of the most important returns, with an explanation of the design and mode of construction of each. This manual should be translated into Oordoo, and both the original and the translation printed and published.

8. You will be pleased to prepare a Circular Order fixing the dates mentioned in para. 3, and notifying the instructions under which, and the object for which, the duties are fixed, and to publish it in the Government Gazette in English and in Oordoo for general information.

I have the honor to be, &c.,

J. THORNTON,

*Secretary to the Government, N. W. P.*

**No. 2.**

No. 328 of 1845.

*To C. Allen, Esquire,*

*Officiating Accountant, N. W. P.*

*Dated Agra, the 21st Feb. 1845.*

SIR,

FINANCIAL DEPARTMENT; I am desired to acknowledge the receipt of your predecessor's letter of the 9th ultimo, regarding the delay in the preparation of accounts. No. 107.

2. The Lieutenant-Governor is glad to find that attention is directed to this subject, the importance of which has already

been urged upon you in my letter of October 18th last. In the letter now under acknowledgment, however, no allusion is made to those orders. The subject is taken up and treated on a perfectly different basis.

3. Mr. Grant seems to consider that the preparation of the accounts is the work of the office Clerks, for which they are to be held responsible, their salaries being apportioned to the work of this nature they may have to perform, and those salaries being reduced by fine whenever they carelessly or tardily perform the duty. The Clerks moreover are to be selected after correspondence with your office; and on proof to your satisfaction of their ability to perform their duties.

4. The Lieutenant-Governor is disposed to think that this scheme rests on principles which should not be admitted, and involves considerations which are not borne out by the facts.

5. According to the principles of our system the Collector himself, and not the Head Clerk, is the person who is responsible to the Government for the right preparation of the accounts. It is the duty of every Collector not only to collect and disburse the money of the state, but also to account for it. If from carelessness, or misapprehension of the real duties of his office, he fail in this important branch of the trust committed to him, the Government, in this, as in all other, departments, will hold him, and not his subordinates, responsible. His subordinates are responsible to him; but he, and he only, is responsible to Government.

6. But the facts on which the scheme is based are not in themselves accurate. It rests on the supposition that the accounts furnished to your office are the sole duty of the Clerks, and that you are the sole person concerned in their efficiency. It is true that the accounts are a part of the office work, occupying much of the time of the Clerks, but still there is much other work demanding their attention. In order to discharge efficiently the duties of his situation, a Clerk must be acquainted with the forms of correspondence in many other departments. He has also to compile statements in the Revenue and Judicial Departments, of which your Office has no cognizance, but which must nevertheless be punctually and correctly furnished.

#### 4. PUNCTUAL SUBMISSION OF ACCOUNTS BY COLLECTORS.

7. The scheme forwarded with the letter under acknowledgment is no doubt most useful. It shows one branch of the district Offices in one aspect, and will enable the Government in some degree to judge how far complaints regarding the deficiency of that branch are well founded. It also proposes a scheme, according to which, the total charge of these establishments remaining the same, the efficiency of all should be improved. It is well known that practically such a scheme cannot be brought into operation. It proceeds on the erroneous assumption that all men drawing the same salaries are of the same capacity, and that they will or can be selected, and kept in Office, precisely according to their capacity. It makes no allowance for the existing claims of old servants now on the establishment, or for the diminished efficiency of those, who, when once introduced on the establishment, may suffer decay of their faculties from sickness, age, or other infirmity. In this country especially, where agents are few, the experience of any man who has been long at the head of an Office will convince him that he is only able to maintain it in effective operation by shifts and expedients which it is quite impossible to reduce to rule.

8. The Lieutenant-Governor will now request you to turn to the orders of October 18th, and will endeavour to point out the way in which he conceives that, on the principles there laid down, some improvement may be effected. As requested in para. 3, you will fix a date by which every Mofussil Office should furnish its accounts. You will draw up a Circular Order (as desired in para. 8) showing what accounts are to be furnished and on what dates, and you will add extracts from this letter, showing the importance which the Government attaches to this duty, and the responsibility regarding it devolving on the Collectors personally.

9. You will further keep a register for the first six months

<i>Register of the receipt of the monthly Treasury Accounts from the several Zillahs of the N. W. P.</i>									Remarks.
Zillah.	Date on which due.	Date of receipts of the accounts for						State in which received.	
		Jan.	Feb.	March.	April.	May.	June.		Generally correct.
Rohituck,	27th of following inst.	15th March.	3rd April.	30th April.	28th May.	26th June.	25th July.		
Similar registers should be kept of the Hal Towzeh monthly estimates and any other important document.									

of this year as in the margin, showing the dates on which the returns are due and received, and the state in which they are furnished. At the end of the six months you will forward this register for the Lieutenant-Governor's inspection, with a note of those Officers whom you find to have been most remiss in making their returns. The returns need not be periodically repeated, unless you are yourself desirous of the maintenance of the check.

10. The Lieutenant-Governor has little doubt that when once the attention of the Collectors has been drawn to the subject, and they are aware of the importance attached to it by the Government, they will succeed in removing all

just cause of complaint against them. Still there is no doubt that the comprehension of the subject would be much facilitated by the preparation of a few explanatory directions, of the nature indicated in para. 7 of the above orders of October 18th last. You are requested to apply yourself to this work, and to forward it for the consideration of the Lieutenant-Governor as soon as it is compiled.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

## No. 3.

MODE OF BRINGING SUITS IN, IN CLAIMS FOR  
LANDED PROPERTY IN COPARCENARY  
ESTATES.*Copy.*

No. in No. 3791 of 1845.

No. 2942 of 1845.

*To G. F. Edmonstone, Esquire,**Register of the Sudder Dewanny Adawlut,**North Western Provinces, Agra.**Dated the 12th July, 1845.*

SIR,

JUDICIAL. I am now desired separately to address the DEPARTMENT. Court on the subject alluded to in para. 13 of your letter of the 5th ultimo, regarding the proper mode of bringing suits in claims for landed property in Coparcenary Estates as defined in Clause 3, Section 10, Regulation VII. 1822, where several persons possess heritable and transferable property of the same kind.

2. The erroneous practices which the Lieutenant-Governor apprehends may find place in the Civil Courts have no reference to errors of record on the part of the Settlement Officer, but to possible misconception of the real character of the tenures, and of the right mode of dealing with them, on the part both of the Judicial and Revenue Officers.

3. It is with some reluctance that the Lieutenant-Governor approaches this subject. It is one of very great difficulty, regarding which no settled views have yet obtained general currency. It has but lately engaged much attention, and the Court's Circular Order of June 24th, 1842 contains so very much that is valuable, and has already been productive of so much good, that it is an invidious task to find fault with it.

4. Still the subject is of such great importance that the Lieutenant-Governor feels bound to lay his opinion before the Court, and to invite their consideration of the subject in the light in which he is disposed himself to view it. The candid discussion of difficult questions of this nature cannot fail to clear

away the mistakes and prejudices which are liable to obscure them. The Court too are in the habit of viewing the subject practically, and the Lieutenant-Governor is desirous that they should bring to the test of their practice the theory which he has been led to form.

5. The system of judicial administration introduced into this country recognizes the right of every individual to claim from the Civil Courts a decision upon any right which he conceives himself to possess, and from the enjoyment of which he is debarred. The Courts only require that he should state his claim in such a way as may enable them to discover and determine the precise points at issue.

6. There are many questions regarding the rights in coparcenary tenures, which are liable to be brought under the consideration of the Civil Courts, and it is most important that the claims should be so stated as to admit of their easy adjudication. The Court's Circular of June 24th, 1842, purports to lay down rules for the proper statement of these rights. The question is, whether the rules are accurate so far as they go, and whether they embrace all the cases which may arise. If from their inaccuracy they are liable to misapprehension, just claims may be defeated from a supposed erroneous statement of them; and if they are incomplete, people may be prevented from bringing just claims from the difficulty of discovering how to state them.

7. The Court's rules rest upon the classification and definition of coparcenary tenures contained in the Sudder Board of Revenue's Circular Order, No. I. pages 99; 203. If that classification be inaccurate or incomplete, the Court's instructions cannot but be imperfect.

8. The views of the Lieutenant-Governor on this subject will be best understood by a reference to the recently published directions for Settlement Officers, paras. 86-96. It is only necessary here to observe that all tenures are divided primarily into Zumindaree, Putteedaree, and imperfect Putteedaree, according to the degree of separation between the interests of the several coparceners, and secondarily according as the profits are distributed conformably with ancestral right or with local custom.

9. "The Board define a pure Putteedaree tenure to be the same as Bhyachara," where the "whole land is occupied by the proprietary brotherhood, and revenue assessed by a rate or bachh." But this definition is only applicable to one class of Putteedaree Estates, as defined in Section 2, Act I. 1841, viz. to those where the land is divided according to local custom. It may be, and very often is, the case that the land is divided and held severally, but the basis of that division is ancestral right, and not local custom, and the interest of each sharer is still expressed in the fraction of a Rupee or Beegah, and he pays his jummah conformably with the land, not according to the rate or bachh. Again, estates where the profits are distributed according to local custom, (and these etymologically and in common parlance are designated Bhyachara,) may be Zumin-daree, imperfect Putteedaree, or Putteedaree. It is true such Mehals are not often Zumin-daree, but they very frequently are imperfect Putteedaree. There is therefore a double inaccuracy in identifying Putteedaree and Bhyachara Mehals. Many Mehals are Putteedaree which are not Bhyachara, and many are Bhyachara which are not pure Putteedaree.

10. Further on, in para. 202 of the Board's Circular Order a pure Zumin-daree Mehal is defined as one "where the whole land is occupied by non-proprietary Cultivators, who pay rent to the proprietors." The real test of a Zumin-daree Estate is not whether the land is occupied by non-proprietary Cultivators, but the mode in which the proprietors collect and divide the profits. It may be that all the Cultivators are non-proprietors who pay rent to the proprietors, and yet these non-cultivating proprietors may have divided the land amongst them, and made the Mehal Putteedaree. Again, the Cultivators may be all Proprietors, who pay according to certain fixed rates, each man for his own cultivation, throw the whole into a common stock, and divide whatever surplus remains, after payment of the Government Revenue and the village expences, according to their ancestral shares. This would be a pure Zumin-daree Mehal, but would not come under the Board's definition.

11. These inaccuracies of definition, so far as they affect the classification which forms the basis of the Court's Rules, throw



all into confusion. When neither Collector nor Judge understands precisely what is a Putteedaree and what a Zamindaree Tenure, the former will enter them wrongly in his lists, and the latter will apply to the one case rules which were intended for the other. Thus where the profits are distributed according to ancestral shares, it is by no means necessary to indicate the particular fields held by the party sued. Suit may be brought for a certain fractional share in the whole or in a portion of the whole, and if the decree be passed in those terms, and the defendant properly distinguished from other sharers unconcerned in the suit, no difficulty would arise in its execution whether the Estate was Zamindaree, or Putteedaree, or imperfect Putteedaree. In execution of the decree, possession would be given of a share of the land held in severalty by the defendant, or of a share of the whole of the common land. Severance of the awarded share, if it were sought, would be equally easy.

12. The present rules make no distinct provision for one of the most difficult and common cases of dispute which arise in

Coparcenary Mehals. There

Vide page 96 of the Directions.

are many such Mehals where

the ancestral shares of the coparceners are known and undisputed, and where those shares regulate the distribution of some of the profits arising from the joint Estate. From some peculiar cause, however, the payment of the Government revenue, and consequently the enjoyment of all the profits dependant on the mode of payment, is regulated by local custom. The character of these tenures is easily capable of change, and very often is changed. The local custom is laid aside, and the ancestral shares are made to regulate the apportionment of the entire profits of the Estate. This change is often voluntarily made by the coparceners themselves. But it may be opposed by a portion of them under circumstances which would warrant a Court of Justice in interfering to enforce the change. It is unnecessary to advert to the circumstances under which such a change should, or should not, be made. It is necessary only to provide that the rules should contemplate the possibility of such a suit, and distinctly provide a method for its being fairly brought to issue.

13. It would not be difficult to frame rules which would provide in an accurate and methodical manner for all the cases which have been supposed. A draft of such rules is appended to this letter, in illustration of the subject. They embrace all on this subject that is contained in the present rules, with some additional matter, and place the whole in a new form. It is not desired that these rules should be at once adopted. The Lieutenant-Governor only wishes that the Court should take them into consideration, and, after observation of their general applicability to cases which may come before them, that they should state how far they find themselves able to concur in these views, and disposed to adopt them for the future guidance of the Courts under their control.

I am, &c.

J. THORNTON,  
*Secretary to Government, N. W. P.*

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*Draft of Rules for bringing suits in Coparcenary Mehals.*

I.—Every plaint regarding the right to land in a Coparcenary Mehal should include a specification of the nature of the tenure on which the land sued for is held, viz. whether the profits from the land are distributed according to an ancestral right, or according to local custom, and whether the lands are held in common or divided, i. e., are Zemindaree, imperfect Putteedaree, or Putteedaree.

II.—In a Mehal where the profits are distributed according to ancestral rights, and the suit is brought for a specified fractional share, the plaint should mention those of the Coparceners from whom the share is claimed, or their recorded representatives, and should specify the share of the whole that is claimed where the whole is in common, or the share of a certain portion where that portion is divided off. The decision should specify the awarded share of the whole common land, or of the separated portion of the land held in severalty, which is decreed, and should state whether the share is to be held in common or

## No. 4.

## MAINTAINING IN REPAIR THE GRAND TRUNK ROAD.

No. 782 of 1845.

*To the Military Board,**Fort William,**Dated Agra, the 15th September, 1845.*

GENTLEMEN,

GENERAL With reference to former correspondence re-  
DEPARTMENT. garding the Grand Trunk Road, I am now  
desired to bring to your notice the accompanying

\* Letters from Capt. Laughton in charge  
of Superintending Engineer's Office  
C. P. dated 5th Aug. 1845, 1 Enc.  
„ To do. do. dated 16th do. 1845.  
„ From do. do. dated 27th do. 1845,  
1 Enc. reply of this date.

ing correspondence\* with the  
Superintending Engineer, Central  
Provinces.

2. The following facts are  
hereby elicited. In 1837 a

bridge was constructed between Luckunpoor and Ramnuggur Chowkees, in which “the Native Agent, under whose superintendence it was built, used ashes and mud, instead of lime, as cement for the brick-work. The consequence was that, in the rains of 1844, the bridge gave way and a large breach was formed in the metalled roadway, and all traffic was necessarily carried on for half a mile over a temporary earthen track parallel with the road. “Preliminary arrangements, long correspondence, and the preparation and sanction of estimate for a new bridge delayed the work being commenced upon till May last.” On June 29th, the road was re-opened. It is satisfactory to learn that the Native Agent has been punished for his fraudulent conduct; but it occurs to the Lieutenant-Governor that, under a proper system of supervision, the offence for which punishment has been inflicted could not have occurred, nor would the remedy of the consequences of the offence have occupied so long a time. If the Executive Officer had had time and opportunity properly to superintend his work, the bridge would have been built of lime and apparently not have given way. Had the arrangements for the repair of the road been rightly made, the breach would not have remained without repair during

many months of the year most favorable for making such repairs. The "preliminary arrangements" would by more foresight have been shortened; the "long correspondence" (if unavoidable) would not have affected the progress of the repairs; and the Executive Officer would not have been compelled to await sanction to his estimate whilst it slowly found its way through the several Offices in which it was submitted to an examination and check almost nominal.

3. It is evident that, unless some better system can be devised for promptly repairing finished roads of this sort, it is impossible to maintain them as the great channels of rapid passage along the country. It is difficult to conceive a line of road, which it is more easy to keep open than this very line from Allahabad to Ghazecooddeenunggur near Delhi, and an accident more simple than that in question could not have occurred; and yet here, an unwarrantable delay has intervened, in consequence of defects of system within the Board's remedy, notwithstanding the urgent remonstrances on the subject, addressed to them in paras. 2 to 4 of my letter of 10th October last, before the occurrence of this accident.

4. Whatever change of agency may be necessary, or may be in contemplation, the Lieutenant-Governor now desires that the Military Board will adopt immediate measures, for preventing the recurrence of gross mismanagement, like this, under review. They are requested immediately to issue instructions to the Executive Engineers in charge of the Grand Trunk Road, to have preliminary arrangements made as much as possible beforehand to meet emergencies of this sort. Wherever works are weak or suspected, building materials should be provided ready for immediate use. Kunkur should also be always ready, stacked at convenient places along the road. Immediately that a breach occurs, the Executive Engineer should satisfy himself of the cause, and of the proper remedy—referring, if practicable, to the Superintending Engineer. As soon as ever the materials can be procured, and the weather admits, the repair should be commenced without awaiting sanction to estimates, &c. If the breach is of great extent, and the time to be occupied in repairs likely to be long, a perfect temporary road should be made and

covered with a thin and narrow strip of metal, or otherwise made fit for rapid passage.

5. I am further desired to observe with regret that the Officers of the Executive Department still exhibit much unnecessary irritation and sensitiveness in consequence of the representations of the Post Office functionaries. Those representations are shown to have been well founded. It was the duty of the Post Office functionaries to make them. In making them, they conferred a public benefit, for which they are entitled to the acknowledgments of all who are desirous to see the public service efficiently performed.

6. Copy of this letter will be furnished to the Government of India, in support of the representations that have been made to that authority on the subject of this road.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

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No. 5.

JOINT STOCK BANKS IN THE N. W. P.

*Memorandum regarding the Joint Stock Banks of the North Western Provinces with reference to the points adverted to in the Despatch from the Honorable the Court of Directors.*

24th June.

*By Mr. Officiating Accountant Allen.*

FINANCIAL      The number of Joint Stock Banks, at present  
DEPARTMENT,   in operation in the North Western Provinces is  
No. 84.          six, viz.

I.—The Agra and United Service having its head-quarters at Agra.

II.—The North-west ditto ditto Meerut.

III.—The Delhi ditto ditto Delhi.

IV.—The Simla and Umballa ditto ditto Simla.

V.—The Cawnpoor ditto ditto Cawnpoor.

VI.—The Benares ditto ditto Benares.

2. The Agra and United Service Bank, shortly after its commencement, established a branch in Calcutta, and subsequently, desirous of making their connection with the services universal throughout India, adopted the same arrangement in Madras and Bombay; and recently the extent of their exchange operations with London, resulting from the connexion, rendered the same measure desirable in that city. As regards Calcutta and London their example has been followed by the North-western Bank; which has likewise a branch at Mussooree, the cradle of the institution; the head-quarters of which were subsequently transferred to Meerut. With the exception of the Simla Bank of which a branch has lately been established at Umballa, neither

of the remaining Banks have branches; though all, for the purposes of exchange, employ Agents in London and at various places in India; but none have any transactions with China.

3. I have in the margin given a table to show when each Bank commenced operations; the capital at first proposed; the absolute paid up capital on the 1st of July last, and the capital at present expected, and called for to be paid in full by the 1st of July, 1847.

4. It will thus be seen that the first Bank, the Agra and United Service, was established thirteen years ago; that for ten and half years it alone existed,

Name of the Bank.	Date of Establishment.	Capital at the commencement.	Paid up capital on 1st July, 1846.	Advised capital for 1st July, 1847.
Agra and United Service,	1st July, 1833,	5,00,000	60,00,000	70,00,000
North-west, .....	1st Jan, 1844,	5,00,000	23,22,813	30,00,000
Delhi, .....	1st Oct, 1844,	12,00,000	16,00,000	21,00,000
Simla and Umballa, .....	19th Nov, 1844,	5,00,000	8,00,000	12,00,000
Cawnpore, .....	1st May, 1845,	5,00,000	10,81,000	20,00,000
Benares, .....	1st Aug, 1845,	5,00,000	5,00,000	12,50,000
	Total, .....	37,00,000	1,23,03,813	1,65,50,000

its capital originally five lacks amounting to ten at the end of the first three years; to twenty lacks at the end of six years; and to thirty lacks in ten and half years; when the second Institution was set on foot. In the subsequent two and half years the capital invested in banking has increased from thirty

lacks to 123 lacks, and will in another year reach at least 165½ lacks under the advertised arrangements of the several Banks named.

5. The establishment of the second bank, now the North-west at Mussooree, arose chiefly from the wants of the residents of that Sanatorium, and in consequence of the inconvenience they experienced in their pecuniary transactions from the distance of the Public Treasury situated at Dehra.

6. The rapid prosperity of the concern, the high premium to which the Agra Bank shares had risen, and the wants of the community at large, led to the transfer of its head-quarters to Meerut, and a vast extension of its capital, while other Banks sprung up almost simultaneously at Delhi, Simlah, Cawnpoor and Benares.

7. Besides the absolute capital of the Banks, they have sever-

Name of Bank.	Amount of deposits on 1st July, 1846.
Agra & United Service,	38,12,282
North-west, .....	10,70,221
Delhi, .....	4,21,750
Simlah, .....	1,26,011
Cawnpoor, .....	1,15,019
Benares, .....	47,517
Total, .....	55,92,860

rally, as noted in the margin, large available funds for employment, arising from the deposits of their customers, mostly requiring considerable notice of intended withdrawal, and by far the greater proportion made by the shareholders.

8. The deeds of Copartnership of the first four named

Banks are very similar, nay almost, *mutatis mutandis*, identical,—that of the Agra and United Service bank having generally been closely followed by the others. They declare that the business of the Banks shall consist in the purchase, sale, and negotiation of bills of exchange; in discounting bills and notes; in lending money on the security of individuals, and of personal or real property; in granting cash credits; in purchase and sale of coin, bullion, and Government securities; in the receipts of cash at interest; in money agency; and any other branches of business commonly carried on by bankers.

9. The aggregate sums advanced on mortgage of real property are restricted to one-fifth of the subscribed capital of the Bank and the property must be in the immediate neighbourhood

of the head-quarters of the Bank, or of one of its branches. The Deeds also declare that the Company shall not engage in trade, or purchase of any real estate, or merchandize for the purpose of making a profit thereon.

10. The Deeds of the Cawnpoor and Benares Banks vary in a trifling degree by not having the restrictions regarding the loans on real property, the engaging in trade and purchase of property, but they, in other respects, declare the same business.

11. It may not be superfluous to remark here that it is generally understood that the Cawnpoor and Benares Banks employ their capital in commercial advances to persons engaged in trade, to a greater proportionate extent than the other four Banks, which, in a great measure, confine their operations to loans to persons in the services.

12. All the Banks are managed by a Secretary under the control of Directors chosen by the Shareholders half yearly (in the Benares Bank the election is only annual.) The number of directors vary from 6 to 9, and all resident proprietors of a single share are eligible; three form a quorum, and the president, or vice, chosen by themselves, has a casting vote.

13. The appointment of Secretary and all Officers of the Bank, including Agents at other stations, is under the control of the Directors; but declarations of dividends, increase of stock, and such general questions, are decided by general meetings of the shareholders held twice a year; and at these, proxies are allowed.

14. The Directors meet twice a week, act gratuitously, and are generally servants of the Honorable Company; there being very few men, out of the Services in the Mofussil, of sufficient weight to be thus chosen and trusted, while military men alone are qualified to speak to the responsibility and character of the majority of the borrowers and their securities.

15. The Directors are empowered to call for and examine all books, correspondence, and other documents connected with the business of the Bank. The shareholders generally are not entitled to inspect the accounts of private individuals, or the books; but a general statement of the assets, debts and engagements of the Company shall always be ready for the inspection of all shareholders.



16. A list of shareholders is hung up in the Bank for the information of proprietors, but the number of shares held by each individual is not, necessarily, or generally, divulged.

17. Every shareholder is entitled to one vote for one share, two votes for five shares, three for twelve shares, four for twenty shares; and one additional vote for every twenty shares, above twenty. The Simla rules differ in a trifling degree from the above general rule.

18. All the Banks limit the number of shares to be held by one individual. The Agra, and North-west Banks' limit is 400 shares. The Delhi's 200. The Simla's 100. The Benares' one-fifth of the whole capital. The shares are 500 Rs. each in every Bank, except Cawnpoor where they are 1,000 Rs. each.

19. Half-yearly general meetings of the shareholders must be held for the declaration of a dividend and other matters, and special meetings may at any time be called by six shareholders, (the number in the Benares Bank is four, when they represent one-tenth of the capital of the Bank,) but two meetings are required for the passing of any general rule.

20. The accounts must be balanced at least twice a year, and an abstract of all the assets and liabilities must be prepared and published in the newspapers.

21. The consent of the Directors is necessary before a share can be transferred, and the Bank has a prior lien on shares for debts due to itself.

22. Having thus given a general description of the Banks, as shown by their deeds of copartnership, and published accounts, I will remark on each of the five points adverted to in the letter to the Honorable Court signed by Messrs. Crawford Colvin and Co., Forbes Forbes and Co., Fletcher Alexander and Co., and Magniac Jardine and Co.

23. It would have been more satisfactory if these gentlemen, who seem to desire the inference that the difficulties in the money market at Bombay have, in some degree, arisen from the operations of the Banks, had shown in what manner and to what extent this effect had been produced by these Institutions, and it would have facilitated any enquiry had they pointed out how the interest of the East India Company has been, or could be, affected by the existence of such establishments.

*First.*—"That the funds for the Establishment of Banks in India arise chiefly from the property of the public servants of the Company and Natives; many taking shares only in the expectation of a speculative rise in their value—thus encouraging the starting of one Bank after another, till this kind of profit shall find its level by the formation of Banks far beyond the wants of the public."

ments, separately elassed.

24. The first point brought to the notice of the Court of Directors is best answered by the following statement of the proportionate interests of the several descriptions of proprietors in the existing establish-

	<i>Hundredths.</i>
The Military shareholders represent, . . . . .	62
Members of the Civil Service ditto, . . . . .	8
Uneovenanted Service ditto, . . . . .	8
Europeans engaged in trade, . . . . .	6½
Natives, . . . . .	5
Individuals not classible under either of the above heads, . . . . .	10½
	<hr/>
Total, . . . . .	100
	<hr/>

It must be understood, however, that these proportions apply to the shareholders numerically, and are without advertence to the number of shares the several classes may respectively hold. In these respects, the interests of the Civilians in the capital subscribed, would probably bear a much higher ratio, but this information is not given to the public, nor can it be material when the whole of the capital is paid up, and the shareholders are individually liable to the extent of their fortune.

That amongst the subscribers there may be some who, in the first instance, took shares in the expectation of a rise, is probable enough, but the steady and uninterrupted rise in value of the shares of all the establishments, notwithstanding their immense increase in number in the last two and half years, is conclusive evidence that these are, for the most part, held as investments, rather than for speculation. As yet there is certainly no evidence of the number of these institutions exceed-

ing the public demand for them. All are increasing their Capital as inadequate to the means of secure employment for it, and when this is done gradually, and as indicated by the wants of the public, it is unquestionable that so far from being exceeded they are not fully provided for. In my opinion the Banks have not yet gone nearly far enough in promoting the development of the resources of the country, by liberally assisting the merchants, planters, and others, by whose instrumentality this must be effected; but the strong prejudices of the majority of the proprietors (whose wishes are of course followed) against such advances has generally almost restricted the employment of their capital to loans to the Services.

25. The Banks are, in fact, managed by their Secretaries.

*Second.*—"That the parties most deeply interested as proprietors being public servants of the Company, their time and attention are otherwise so engaged, that they cannot efficiently watch over the concerns and management of these Banks."

Men of character are sought for, and liberally remunerated. At the head of the executive, he sits with the Directors at their meetings, and brings forward,

for their consideration, such views as his practical knowledge and undivided attention to the affairs of the Bank suggest to him. On these they deliberate, approve, alter, or otherwise direct, as they may think proper. This, as regards the system to be pursued, can only occupy their attention occasionally, and the current business is almost confined to a consideration of the means and character of applicants for loans, which scarcely occupies an hour twice a week; and of the propriety and security of which, the members of the Services must have the best means of judging. It would, I think, be impossible to point out a single instance in which the public duty of any Government servant has been postponed, or in the slightest degree interfered with, by his attention as Director to the affairs of a Bank.

26. All the Banks are by their deeds of co-partnership

*Third.*—"That there is at present no legislative provision for the publicity of accounts of these Banks."

required to publish periodically a general statement of the assets, debts, and engagements

of the Company. The desired publicity is, therefore, already afforded, and none of them would object to any legislative provision for the same.

27. Speculative exchange operations form no part of the

*Fourth.*—"That a great part of their business partaking more of exchange than strict banking, no accounts would be intelligible or of use to the public that did not exhibit operations and liabilities in exchange transactions."

business of the Banks, though no doubt these are made to a considerable extent, chiefly in transmitting funds to their

several branches, especially London, to meet or rather to replace their demand for their customers, whose family remittances are made by the Bank's drafts, or by credits on the branch. Of course, the management of this branch of their business requires information and attention, and is a source of considerable advantage, as the Banks are always ready and able to avail themselves of the most favorable time and terms for their counter remittances, but this can scarcely be termed trading in exchange. Accounts, without exhibiting operations and liabilities in exchange transactions, are quite as intelligible to the public as any abstract that can be published; unless entire publicity were to be given to the particulars of every loan or advance with the names of the borrowers, their securities, and instalments.

28. None of the Banks issue notes, so that provision of

*Fifth.*—"Public opinion and usage in India are so little in favor of Bank notes that probably not much danger is at present to be apprehended in their issue, but a reserve of bullion to meet liabilities on demand in other shapes is, for this very reason, frequently neglected, and banking funds for the sake of producing interest so locked up as in times of scarcity to be unavoidable, as was recently the case at Bombay when money could not be raised on Company's paper at a less interest than ten per cent., and more recently in Calcutta, as high as twelve to thirteen per cent."

bullion on this account is not called for; nor is the object of the allusion to the scarcity of money in the Bombay and Calcutta markets very apparent, as this no otherwise affected the Banks than as enabling them to obtain from borrowers the perfect security alluded to, with the high interest

stated. Their liabilities could cause them no uneasiness; the sums that can, at any time, be immediately called for, are comparatively inconsiderable, and for them provision is always made; And even a panic could not affect them, as their deposits generally are not employed in long loans, which, in fact, do not absorb their paid-up capital, and are always in course of realization by monthly instalments; moreover, three-fourths, or even more, of the deposits are made by shareholders who would abstain from a pressure which could only be injurious to them-

selves, and whom the Directors could control, if the selfish timidity of any of them rendered such a measure necessary or desirable.

29. The evils of unrestricted banking, unlimited issue of paper, exchange operations, and advances on shipping documents, noticed in the concluding paragraph have already been adverted to as scarcely applicable to the existing Joint Stock banking system prevailing in these Provinces. It has previously been remarked that their exchange operations are not speculative, and that their attention is not turned to the employment of capital in advances on goods and shipping documents, (the evil of which is not very apparent), further than that, in making their remittances to London, they take this additional security, thereby conciliating their own advantage with that of the trade of this country, exposed to vicissitude from insufficient commercial capital.

30. It only remains for me to write on the wishes of the Banks. They all, without exception, wish for a legislative enactment enabling them to sue and to be sued in the names of their Secretary or other Officer in the Civil Courts; and, as far as any opinion is expressed, the Act passed last year for the Union Bank of Calcutta is, *mutatis mutandis*, desired.

31. The Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary does not include all the restrictions required by Sir Robert Peel's Act for Joint Stock Banks in England; indeed, almost the only restriction contained in it is that the names of the Directors, Secretary, Treasurer, and Members, shall be registered, while Sir R. Peel's Acts require besides that the deed of co-partnership shall be registered; accounts audited; and balance-sheets made, and produced to the shareholders yearly, with permission for them to examine the books for a certain time; the balance-sheet and Auditor's reports are also to be registered: in the register of shareholders, the number of shares held by each are to be entered, when registered, and all instalments are paid up. Shares may be transferred without requiring the consent of the Bank Directors: and no Company shall commence business till all the shares are subscribed for, and at least half the amounts (not less than 50£ per share,) paid up.

32. The appointing of paid Auditors, however desirable, would be very difficult in these Provinces, where there are so very few residents out of the Service, competent to take the office. With this exception, I believe the Banks generally would not object to the restrictions, although that of declaring the number of shares held by each shareholders, and that of making it obligatory on the Directors to register a transfer of shares, the instalments of which had been paid up in full, as well as allowing every shareholder to examine the books for a limited period, are contrary to their present deeds of co-partnership.

33. Three of the Banks refer to the difficulty of ascertaining what previous claims may be held on real property offered in mortgage as security for advances, and they wish that the registration of all mortgages retrospectively, as well as prospectively, should be compulsory, and that a registered mortgage take precedence, at law, of all other mortgages.

34. In conclusion, I would beg to add, that the remarks I have given above have been compiled from the replies of the different Bank Secretaries to Mr. Secretary Thornton's Circular, dated September 5th; from the returns given in the public papers, from private information most fully and liberally afforded by Mr. Hamilton Bell, a Director, and Capt. Macgregor, the Secretary, of the Agra and United Service Bank, and none from my own information, as I have never been a shareholder, much less a Director of any of the Banks in the North-Western Provinces.

C. ALLEN,

*Officiating Accountant, N. W. P.*

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No. 589 of 1847.

*To J. A. Dorin, Esquire,*

*Secretary to the Government of India,*

*Financial Department, Calcutta.*

*Dated Agra, the 22nd March, 1847.*

SIR,

FINANCIAL DEPARTMENT, In reply to your letter of August 7th last, regarding the Banks in the North-Western Provinces, I am desired by the Lieutenant-Go-

- \*1, Circular to Banks, No. 1680, dated 3rd Sept., 1846. Their answers.  
 2, Letter from Agra Bank, dated 15th Sept. 1846.  
 3, Ditto from Delhi ditto, dated 14th Oct. 1846.  
 4, Ditto from Meerut ditto, dated 14th Sept. 1846.  
 5, Ditto Simla and Umballa ditto, dated 22nd do. 1846.  
 6, Ditto Cawnpore ditto, No. 10,664, dated Oct. 1846.  
 7, Ditto Benares ditto, No. 998, dated 21st Sept. 1846.  
 8, Mr. Allen's Memo., dated 14th Nov. 1847.

vernor to forward copies of the documents noted in the margin.\*

2. The annexed paper, compiled by

Mr. C. Allen, the late Officiating Accountant, contains an abstract of the information furnished by the Banks on the points regarding which reference was made to them.

3. A convenient statement of Capital and Deposits of the several Banks was also given by a writer in the *Delhi Gazette* of September 2nd, 1846, and is forwarded as an enclosure of this letter.

4. The Memorandum in the margin classifies the share-

Classification of the Shareholders of the several Banks in the N. W. Provinces.		Civilians.	* Military.	† Mercantile.	‡ Unconven- ed.	Natives.	Total.
Agra Bank, .....	38	388	34	40	70	26	596
Meerut ditto, .....	6	89	12	11	12	6	136
Delhi ditto, .....	22	70	2	23	8	10	135
Simla ditto, .....	5	43	3	9	16	5	81
Cawnpore ditto, .....	6	38	15	1	8	5	73
Benares ditto, .....	5	26	2	1	4	3	41
Total, .....	82	654	68	85	118	55	1,062

\* Includes H. C. Chaplains, Medical men in the Service and Non-Commissioned Officers.  
 † Includes European Zemindars, Indigo Planters, Tradesmen, &c.  
 ‡ Unconvenanted Servants of Government, including Deputy Collectors, Assistants, Clerks, School Masters, Patrols, Officers of the Department of Public Works (Non-Military,) &c.  
 Ladies are included in the class to which their nearest relatives belong.

holders in the several Banks, with as much accuracy as can be readily attained. It will be observed that a regard to their own interest, has induced the several Companies to publish full details of their proceedings in all the public prints.

5. The Lieutenant Governor is not of

opinion that any legislative enactment, regarding these Banks, is urgently required.

6. If legislation is considered necessary, it should render

obligatory the publication of those Accounts, which are now published voluntarily, and might advantageously contain a provision, empowering the companies to sue and be sued, through their Secretaries, but without weakening the joint responsibility of the shareholders.

7. The Banks as yet exercise little effect on the trade or agriculture of the country. Their effect, so far as it extends, is beneficial.

8. The moral effect on the members of the service is decidedly good. The Banks promote habits of economy, and enable many persons honorably to extricate themselves from pecuniary embarrassments. They take all classes; both lenders and borrowers, out of the hands of natives, who are apt to abuse the influence thus acquired, and bring them under the eye of their fellow-servants, whose judgment they respect. If a person, by imprudence, has involved himself in pecuniary difficulties, notoriously the first step in amendment is for his friends to examine the state of his affairs, and, on their security, to procure him a loan from one of the Banks. His highest and most honorable feelings towards his friends are thus enlisted in the effort to pay off the debt.

9. It is also far preferable that Civilians, and especially those of high standing and in responsible situations, should have open Deposit Accounts with the Banks, than with Natives. It is dangerous and inconvenient to keep much cash in the house, and it is better that the cash which is not immediately required should be kept in a Bank than with a Native merchant, who is liable to give an air of undue importance to such a transaction.

10. The high rate of dividend now paid by the Banks is in great measure fictitious, and is not likely to be maintained. At the same time, so long as the present system of publicity is continued, there is not likely to be any extensive loss, or much distress occasioned by diminution of profits.

11. The Lieutenant-Governor is not correctly informed of the circumstances under which Covenanted servants of the Government are considered prohibited from taking an active part in the management of Joint Stock Banks, or by whom the prohi-



bition was issued. It is notorious, that such a prohibition, if it does exist, is openly violated.

12. There appears no good reason why the servants of the Government should be excluded from the management. The duties are never very onerous. It is most important that the servants of the Government should possess some acquaintance with banking operations. In many situations, it is very desirable that they should have full information regarding the proceedings of Joint Stock Companies, which may exercise an important influence on the districts committed to their charge, or the department of the administration over which they preside. The prohibition implies a want of confidence, which is not deserved. Officers holding judicial appointments would abstain, for obvious reasons, from taking any active share in the management. It might be well to ensure this by an order; but the order should be applicable to all Judges, and not only to Covenanted Officers holding such appointments. It should also not have exclusive reference to Joint Stock Banks, but should extend to all commercial transactions which may probably come subsequently under the official cognizance of such officers; as the becoming parties to transactions of this nature may tend to bias their judgment, and to bring their impartiality into question.

I have the honor to be, &c.

(Signed) J. THORNTON,

*Secretary to Government, N. W. P.*

*Statement of Capital and Deposits of the several Banks, i. e. their Trading Capital.*

Agra Bank, Capital (paid up),	Rs.	60,00,000	0	0	
Deposits Floating,	7,65,938	10	4		
Do. at 4 per cent.,	2,24,178	7	5		
Do. at 5 per cent.,	23,95,459	6	3		
Do. at 6 per cent.,	4,26,705	3	1		
		38,12,281	11	1	
					98,12,281 11 1
N. W. Bank, Capital (paid up),	Rs.	23,22,813	0	0	
Deposits Floating,	3,24,282	2	9		
Do. at 4 per cent.,	30,899	1	4		
Do. at 5 per cent.,	1,65,061	7	1		
Do. at 6 per cent.,	5,49,978	10	10		
		10,70,221	6	0	
					33,93,034 6 0

Delhi Bank, Capital (paid up),	Rs.	16,00,000	0	0	
Deposits Floating,	78,580	9	8		
Do. at 4 per cent.,	2,918	5	3		
Do. at 5 per cent.,	1,67,128	15	1		
Do. at 6 per cent.,	1,73,092	11	9		
		4,21,750	9	9	
					20,21,750 9 9
Simla Bank, Capital (paid up),	Rs.	8,00,000	0	0	
Deposits Floating,	8,264	10	11		
Do. at 4 per cent.,	11,857	13	4		
Do. at 5 per cent.,	24,260	6	0		
Do. at 6 per cent.,	7,474	4	10		
		1,26,041	3	1	
					9,26,041 3 1
Cawnpore Bank, Capital (paid up),	Rs.	10,57,447	7	3	
Deposits Floating,	40,202	8	11		
Do. at 4 per cent.,	0	0	0		
Do. at 5 per cent.,	12,177	3	9		
Do. at 6 per cent.,	62,669	0	0		
		1,15,048	12	8	
					11,72,496 3 11
Benares Bank, Capital (paid up),	Rs.	5,00,000	0	0	
Deposits Floating,	12,326	8	6		
Do. at 4 per cent.,	1,450	5	10		
Do. at 5 per cent.,	9,137	13	0		
Do. at 6 per cent.,	24,602	5	5		
		47,517	0	9	
					5,47,517 0 9
Dacca Bank, Capital (no accts. published),	Rs.	5,00,000	0	0	
		Grand Total, Rs.....	1,78,73,121	2	7

### *Expenses of Management of the several Banks.*

Agra Bank, Capital,	Rs.	60,00,000	0	0	} or Rs. 1 2 11 per cent.
Expences,	...	70,958	5	1	
N. W. Bank, Capital,	...	23,22,813	0	0	} or Rs. 1 5 3 per cent.
Expences,	...	30,965	0	11	
Delhi Bank, Capital,	...	16,00,000	0	0	} or Rs. 0 9 1 per cent.
Expences,	...	9,011	12	2	
Simla Bank, Capital,	...	8,00,000	0	0	} or Rs. 0 15 7 per cent.
Expences,	...	6,950	15	7	
Cawnpore Bank, Capital,	...	10,57,447	7	3	} or Rs. 0 10 6 per cent.
Expences,	...	6,239	5	2	
Benares Bank, Capital,	...	5,00,000	0	0	} or Rs. 1 3 11 per cent.
Expences,	...	6,239	5	2	

*Loans, Credits and Bills discounted of the several Banks.*

Agra Bank, Loans,	Rs.	79,91,217	13	11		
Credits,	...	2,45,323	3	9		
Bills discounted,	...	3,79,576	3	7		
					86,19,117	5 5
N. W. Bank, Loans,	Rs.	23,66,162	4	4		
Credits,	...	22,619	15	6		
Bills discounted,	...	1,76,778	2	6		
					25,95,590	6 4
Delhi Bank, Loans,	}	Rs.	16,66,256	7	5	
Credits,		...	1,39,910	0	0	
Bills discounted,		...				
					17,46,166	7 5
Simla Bank, Loans,	Rs.	6,98,083	7	9		
Credits,	...	22,678	8	2		
Bills discounted,	...	89,565	9	5		
					8,01,327	9 4
Cawnpore Bank, Loans,	Rs.	5,92,752	7	11		
Credits,	...	78,512	10	7		
Bills discounted,	...	38,731	9	0		
					7,09,999	11 6
Benares Bank, Loans,	}	Rs.	3,88,081	3	3	
Credits,		...	12,300	0	0	
Bills discounted,		...				
					4,00,381	3 8
Grand Total,.....Rs.					1,47,82,912	11 8

*Rate of Dividend of the several Banks for the past half-year.*


Agra Bank, 12 per cent. per annum.
N. W. Bank, 10 per cent. per annum.
Delhi Bank, 9 per cent. per annum.
Simla Bank, 8 per cent. per annum.
Cawnpore Bank, 10 per cent. per annum on original stock.
Benares Bank, 11 per cent. per annum.

*Number of Shareholders in each Bank according to Statement last published.*

Agra Bank (not yet published.)			
Capital,	60,00,000	0	0
N. W. Bank Shareholders, .....	136	} Average to each Shareholder Rs. 17,079.	
Capital,	23,22,813	0	0
Delhi Bank Shareholders, .....	135	} Average to each Shareholder Rs. 11,814.	
Capital,	16,00,000	0	0
Simla Bank Shareholders,.....	81	} Average to each Shareholder Rs. 9,876.	
Capital,	8,00,000	0	0
Cawnpore Bank Shareholders,.....	73	} Average to each Shareholder Rs. 14,485.	
Capital,	10,57,447	7	2
Benares Bank Shareholders, .....	41	} Average to each Shareholder Rs. 12,195.	
Capital,	5,00,000	0	0

*Recapitulation of the above.*

Capital of the Six Banks,		Rs. 1,22,80,290	7	3
Deposit Floating,	Rs. 13,03,979	3	1	
Ditto 4 per cent.	... 2,71,334	1	2	
Ditto 5 per cent.	... 27,73,225	3	2	
Ditto 6 per cent.	... 12,44,522	3	11	
		55,93,060	11	4
				1,78,73,551 2 7*
Loans of the Six Banks,	...	1,35,85,883	12	7
Credits,	...	3,69,164	6	0
Bills discounted,	...	8,27,864	8	6
		1,47,82,912	11	1
Add Cash, &c. in hand				
— Agra Bank,	Rs. 4,30,626	9	10	
— N. W. Bank,	... 1,96,231	11	2	
— Delhi Bank,	... 1,20,487	0	5	
— Simla Bank,	... 95,954	12	5	
— Cawnpore Bank,	... 76,127	3	5	
— Benares Bank,	... 37,735	15	8	
		9,57,151	4	11
				1,57,42,064 0 0
Leaving a Balance for Exchange purposes of Government paper and other operations of,	...	...	...	21,31,287 2 7

 The Statements from which the above calculations are made may be found respectively in the Delhi Gazette, as follows:—

Agra Bank,	D. G. 2nd September, 1846,	pp. 557 and 559.
N. W. Bank,	D. G. 12th August, 1846,	pp. 510 and 511.
Delhi Bank,	D. G. 15th July, 1846,	p. 446.
"	D. G. 18th July, 1846,	p. 455.
Simla Bank,	D. G. 5th August, 1846,	pp. 493 and 495.
Cawnpore Bank,	D. G. 1st July, 1846,	p. 414.
"	D. G. 4th July, 1846,	p. 423.
Benares Bank,	D. G. 22nd August, 1846,	pp. 533 and 535.

\* Nominally Rs. 30,00,000.

The expences of the Union Bank were on a Capital of 1,00,58,676-14-8 or Rs. 0-9-4 per cent.

There is a discrepancy here of Rs. 230 which we have been unable to rectify at once. It makes no material difference.

In two Banks the Loans and Credits are mixed up.

## No. 6.

WATER MILLS FOR GRINDING CORN ON THE  
DHOON CANALS.

No. 2173 of 1847.

*To William Muir, Esquire,**Offg. Secy. to the Sud. Bd. of Revenue,**North Western Provinces.**Agra, dated Head Quarters, the 26th May, 1847.*

SIR,

REVENUE DEPARTMENT.	With reference to the correspondence noted in the margin regarding the erection No. 190, A. of a new mill at Pelion, in the Delrah Dhoon, the Lieutenant-Governor desires me to take this opportunity of placing authoritatively on record the principles which should be observed by the Canal officers on the subject
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Letter from Military Board, dated 26th May, 1846, No. 527.  
 Do. to do. do., dated 18th June, 1846, No. 2534.  
 Do. from Offg. Secy. Sud. Bd. of Rev., dated 21st July, 1846, No. 321.  
 Do. to do. do. do. of do., dated 8th Aug. 1846, No. 3270.  
 Do. from do. do. do. of do., dated 21st Aug. 1846, No. 389.  
 Do. to do. do. do. of do., dated 15th Sept. 1846, No. 3970.

of Water Mills for grinding corn.

2. The Government has the control over natural running streams of water throughout the country, wherever it has not waived the right by special or implied contract. In the settlement of the Dhoon, this right was specially declared by the terms of the settlement, which was made with each cultivator only for the land in his possession, and also by a special clause in the Grants of land to settlers in the Dhoon. At the same time, this right is only to be exercised for the good of the people. The object of the Government is not to derive the largest possible Revenue from the water-power at its command, but so to distribute the water, as may be most conducive to the rapid and profitable occupation of the land. Whatever conduces to the welfare of the people at large, and thus increases the population, and adds to the resources of the State, is most for the true interests of the Government.

3. No obstruction should therefore be placed to the erection of Native mills for grinding corn, on any streams which are not occupied by Government, or on any such streams at points below the Government works. A valid right to maintain such mills can only be obtained from the Government, but it should never be refused when applied for.

4. Government mills should only be erected on waters occupied by Government works, i. e. natural running streams above the Canal-heads, the Canals themselves, and their tail water,—meaning by the last term the waste water of the Canals after it has ceased to be available for irrigation, and runs off in a natural or artificial channel.

5. It is necessary to prevent the erection of new Native mills on occupied streams above the Canal-heads, because they impede the flow of water and render it turbid. It may also be necessary on occupying a new stream to remove old Native mills, which may be above the Canal-heads; but in such cases, full compensation should be given to the mill-owners, and other mills, on improved principles, should be erected by Government adequate to supply the people.

6. The erection of new Native mills on the tail water of the Canals should not be permitted without the sanction of the Canal officers; but old mills, which may benefit, during a part of the year, by the tail water of the Canal, should not be removed, unless after satisfying the interests of all who are concerned, which can seldom be worth while. The old mills will, however, have to sustain all the competition of new mills which may be erected by Government on the tail water.

7. The Board are requested to furnish a copy of this letter to the Commissioner, and to the Superintendent of the Dhoon for their information. A copy will also be furnished to the Military Board for the information and guidance of the Canal officers.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

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## No. 7.

SETTLEMENT OF PERGUNNAH BEESULPORE, IN  
BAREILLY.

No. 3836 of 1847.

*To the Secretary Sudder Board of Revenue,**North Western Provinces.**Agra, dated Head Quarters, 6th October, 1847.*

SIR,

REVENUE I am directed to acknowledge the receipt  
DEPARTMENT, of your letter, No. 328, dated 30th July last,  
No. 35. with its several enclosures, regarding Pergunnah  
Beesulpore, in Zillah Bareilly.

2. The Lieutenant-Governor concurs with the present members of the Board in the view which they have taken of the question referred by the Commissioner, as expressed in the 3rd paragraph of your letter under acknowledgment. The settlement having been made with certain parties simply as farmers for a term of years, the order of the Civil Court to sell any other rights, or claims, which those parties may possess, affords no grounds for annulling the existing leases, so long as the conditions of those leases are fulfilled. In the case of Mouzah Doulutpore Heera, the Board have now, by their orders of the 30th July to the Commissioner's address, rectified the error which had been committed in admitting the purchaser to engage. But there appear to be other cases in which a similar course has been pursued, and is still uncorrected;—such, for instance, is Mouzah Kookulla, in which the farmer, Bhewanee, still remains excluded from engagements. If in this, or any other, case, the excluded farmer demands to be reinstated for the remaining term of his lease, the Lieutenant-Governor does not see how the claim can be resisted.

3. In the event of any future applications of the same nature as those which have occasioned this correspondence being received from the Civil Courts, the Collector should point out to the Courts, by an extract from the settlement misl, that the parties, whose rights and interests are ordered to be sold, are

not recorded as possessing any rights of a transferable kind, and moreover, that the engagement into which they have entered with Government is of the nature of a farming lease, and therefore not alienable. If, after this explanation, the Court should still press for sale, the Collector must obey, but at the same time take care to give no hope to the purchaser that the existing settlement will be interfered with.

4. The above instructions are rendered necessary by the anomalous state in which the proprietary right to many villages in this Pergunnah was left at settlement, but the Lieutenant-Governor entirely concurs with the Board in thinking that this state of things calls for an early remedy. It never can be for the interest of the Government to leave proprietary rights in uncertainty, or to retain them in its own hands. The question now referred applies to 101 villages, forming class No. 2 as arranged by the settlement officer, Mr. J. W. Muir. The remarks of that gentleman regarding them, as contained in para-

Para. 5. "In class the second, containing 101 villages, the original Mokuddums have in the interval (since 1210 P. S.) been changed for mere farmers or non-residents. In several cases the old Mokuddums were ejected in consequence of refusing to agree to the terms of Mr. Batson's over-assessment in 1215 P. S., and in others a variety of circumstances have brought about the changes which have occurred."

Para. 7. "The Mokuddum or Farmer is in fact in all these villages, Classes 1st and 2nd, the locum-tenens Zemindar, and the cultivators pay rent to him accordingly."

\* Hereditary Ryots make good to the Lamburdars the usual Assamewar rates, and tenants at will are entirely at his disposal, and in case of a bad season, both classes are dependent on his will and pleasure to grant such remissions as he may deem fit.

Hukook Zemindary, in the case of Zemindary Estates, have been, and are at present, realized by the Malgoozars whether Mokuddums or Farmers. These consist of such perquisites as house-rent from artisans not being actual cultivators; the annual tribute of a blanket from every resident Gurrurya; power to farm out tanks for fishing or growing singharras, &c. &c. In leases unless these Hukooks are bargained for in the deed of transfer, they go as usual to the Lamburdar.

graphs 5 and 7 of his letter to the Commissioner No. 50, dated November 3rd, 1835, are given in the margin. Under the circumstances therein noted, engagements were taken from the parties in possession as mere farmers, the term of which engagements was fixed by the Board, in their

letter No. 99, dated the 21st April, 1840, at 30 years.

5. The information contained in the column of remarks of



statement No. 2, forwarded with Mr. J. W. Muir's letter above referred to, is not sufficient to show whether the individuals, admitted by him as farmers in each case do, or do not, possess a preferential claim to be admitted to the proprietorship of their respective villages. It is stated, for instance, that an individual "has only engaged since 1220," that it is very possible that the individual in question, or his ancestors, may have held the village in former times, and that his subsequent dispossession was occasioned by no fault of his own.

6. Fresh enquiry must therefore now be made into the circumstances of each separate case. If the present farmers can in any instances clearly prove that they are entitled to the proprietary right, it must of course be bestowed upon them. If the proof alleged should be insufficient to prove this judicially, it may still be such as to render it expedient that the proprietary right should be bestowed upon them as a matter of favor. If no right of any kind can be proved, the Government will be at liberty to give or sell the right to whom it likes. In the two last cases, it may be made a condition of the acknowledgment, or bestowal, or sale, that the owner shall take upon himself the risk and expense of defending any suit which may hereafter be brought forward by any other claimants.

7. Whenever, under these proceedings, a farmer is declared to be proprietor, there can be no objection to changing his title, and acknowledging him in the latter capacity.

8. When, as in the cases now under reference, the rights and interests of those who would otherwise be proprietors have passed by sale in execution of decrees into other hands, the purchasers will naturally be recorded in the place of those whose rights have been transferred to them.

9. In these cases, however, as well as in those in which the proprietary right may be found to belong to others than the incumbent farmers, the leases held by the latter must be respected so long as they may wish to retain them. It is possible that some amicable arrangement may be made in such cases between the parties interested.

10. It will require care and intelligence to carry out this course of procedure consistently and equitably in all the villages,

and also to define with precision all rights and liabilities connected with the proprietary rights which may be admitted to exist. Before fixing the particular agency by which this object is to be attained, the Lieutenant-Governor is desirous that the local authorities should have the opportunity of considering the question, and should be permitted to conduct the investigation themselves, if they are able and willing to undertake it.

I have the honor to be, &c.

J. THORNTON,  
*Secretary to Govt., N. W. P.*

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No. 8.

PROPRIETARY TENURES IN PURGUNNAH BEESUL-  
PORE IN BAREILLY.

No. 138 of 1850.

*To William Muir, Esquire,*  
*Secretary to the Sudder Board of Revenue,*  
*North Western Provinces, Agra,*  
*Dated the 21st January, 1850.*

SIR,

REVENUE, I have the honor to acknowledge the receipt of  
DEPARTMENT, your letter, No. 503, dated 20th November last,  
No. 122. with its enclosures, containing the result of the  
enquiries which have been made into the proprietary tenures of  
Pergunnah Beesulpore, Zillah Bareilly.

2. The Licut.-Governor concurs in the opinion, expressed by the Commissioner and the Board, that no clear proof of a proprietary title has been adduced by the several claimants in the cases now reported. The parties, therefore, on whom such a title is now conferred, will derive it from the grant by Government, and not from any antecedent right possessed by themselves.

3. In determining the parties upon whom the ownership of these estates shall be conferred, the Lieutenant-Governor is of opinion that it will be generally best to follow the judgment of the local Officers. They are in the best position for ascertain-

ing the truth, and the papers transmitted with your letter contain ample proof that they have bestowed close and diligent attention on the subject. With reference therefore to paras. 6—10, of your letter, the Board are requested not to interfere upon the petitions of appeal which have been presented to them. On the same grounds, many petitions which have been presented to this Office have been rejected.

4. The only cases which the Lieut.-Governor has thought it necessary specially to examine are those in which the Commissioner has proposed sale of the proprietary right, or in which that Officer has differed in opinion from the Collector and officiating Deputy Collector. The result of this examination has been that His Honor has seen cause to reverse or modify the decision of the Commissioner in the following instances.

No. 33. The heirs of Toolsee Lodha appear to have a preferential claim to this village; they should be recorded as owners, and be admitted to engagements on the expiry of the present farming lease.

No. 34. The heirs of Bhowanee Lodha should be admitted as owners on the same conditions as above.

No. 41. The proprietary right is conferred upon Dulgunjun Singh, who will be admitted on the conclusion of the present lease unless the farmer is willing to resign in his favor.

No. 49. The resident Thakoor family, descendants of Jowahir Singh, should be recorded as owners, as proposed by Mr. Brown, and admitted on the termination of the present lease.

No. 54. The heirs and relations of Dhun Singh Mokudum should be admitted as proprietors, as proposed by Mr. Brown; their possession to commence on the expiry of the present lease.

No. 55. Uman Allee Khan, who has held the farm for the last sixteen years, is admitted as owner in the absence of a better claimant.

No. 68. The heirs of Bhowan Singh should be recorded as owners, as proposed by Mr. Williams.

5. In all other cases than those mentioned above the Commissioner should be desired to enforce his own views, as recorded in the book of decisions which accompanied your letter. It

is thought desirable that the final orders of Government upon each case should also be entered at the foot of the reports upon the several villages in that hook. The Commissioner is there-

fore requested to re-submit it, together with a list in the accompanying form,\* on receipt of which the necessary entries will be made in the book in this Office, and the

* 1	2	3	4
No.	Name of Village.	Name of present farmer.	Names of parties on whom the proprietary right has now been conferred.
N. B.—In filling up the 4th column, it will be sufficient to mention one or two of the names with the addition of the word "and others" where necessary.			

original will then be returned to be kept in the Collector's records. The Board will be pleased to provide that a careful copy is made of the hook when thus completed, and kept for reference in their own Office.

6. In the case of Monzah Kokulla, No. 65, which was referred to in para. 2, of Orders of 6th October, 1847, Bhummee should be re-instated in his lease, as there directed, since the Commissioner states that he has always protested against his dispossession. As proposed by the Collector and Commissioner, Bhummee and Munnec will be recorded as owners in equal shares, and the name of Dwarkadas purchaser will then be substituted for that of Bhummee.

7. The Lieut.-Governor considers that the manner, in which this laborious investigation has been carried out, reflects great credit on the Officers who have been engaged in it. His Honor has noticed with particular commendation the care with which the Officiating Deputy Collector, Mr. Brown, has conducted his enquiries, the sound judgment which he has generally formed on each case, and the clear and concise way in which he has stated the facts which he had ascertained. The Board are requested to communicate to Mr. Brown the satisfaction with which his exertions have been viewed by the Government.

I have the honor to be, &c.

J. THORNTON, *Secretary to Govt., N. W. P.*

No. 9.

EXPERIMENTAL CULTIVATION OF COTTON IN  
THE N. W. PROVINCES.

No. 678 A. of 1847.

*To G. A. Bushby, Esquire,  
Secretary to the Govt. of India,  
Home Department, Fort William,  
Dated Head Quarters, the 17th Dec., 1847.*

SIR,

REVENUE DEPARTMENT. With reference to the correspondence which has already passed regarding the experimental cultivation of cotton in the North Western Provinces, under the superintendence of Mr. H. Hamilton Bell, I am directed to request that you will submit for the consideration of the Right Hon'ble the Governor-General in Council, the following observation and proposals.

2. It will be in the recollection of the Governor-General that the first steps in the present experiment, which were taken in 1846, met with the approbation of the Hon'ble the Court of Directors.

3. The home-grown crop was small, and in order to complete the assignment to the extent necessary for a fair experiment, several of the best sorts of cotton from Rajpootanah and the neighbouring countries were purchased in the market. All these were carefully cleaned and packed in bales at Agra. The produce is now on its way home, but sufficient time has not elapsed to hear of the out-turn. Considerable difference of opinion exists regarding the quality of the cotton, but all parties, who have seen it, fix upon it a price which would be highly remunerative. It is impossible in the present state of commercial affairs to foresee how prices will range when the consignment comes into the market, but there is good reason to hope that the Government will suffer no loss, and that the gentleman who has so diligently and zealously superintended the experiment will obtain some compensation, more or less, for his trouble.

4. At the commencement of the season of 1847, the Right

Hon'ble the Governor-General, in personal communication with the Lieut.-Governor, expressed his approbation of what had been done, and recommended the further prosecution of the experiment in a similar method.

5. This has been done, but with home-grown cotton only. Mr. Bell's influence in the neighbourhood of his estates enabled him so largely to extend the cultivation on his own terms, that the whole consignment will consist of cotton grown in the Doab from different kinds of seed, cultivated according to the course which Mr. Bell has prescribed.

6. The season has been good. About six weeks ago the Lieutenant-Governor, in the course of his tour passed through the country where the crop was growing, saw much of the cultivation, and examined many specimens of the cotton which was then in the course of being gathered. The experiment is attracting the attention of many native gentlemen and landholders, who are desirous to possess themselves of the better varieties of seed and to follow the example set them by Mr. Bell.

7. There is every prospect that the out-turn this year will be more favorable than that of last year, but the produce cannot with every exertion come into the British market before the end of 1848, and some time therefore must elapse before the reasonable expectation on this head can be put to the proof.

8. In May next it will be necessary to provide for the produce of the approaching season, and it is with the view of ascertaining the wishes of the Supreme Government and of the Home Government on this point, that I am desired now to address you.

9. It is evident from the preceding detail that the experiment of 1846 was incomplete. Measures were commenced at too late a period to admit of the cultivation of more than one kind of cotton (the Baghelcence). The consignment was made up by the purchase of foreign cotton. Fully two years are necessary to enable a person to judge of the result of the experiment. The Lieut.-Governor is therefore desirous to have authority to carry on his experiment for another year. If success is not then apparent, its further prosecution will be useless.

10. Simultaneously with the exertion to improve the growth of cotton, great efforts have been made, and are now making, to improve and cheapen the several processes of cleaning, packing, and dispatching the cotton. The American saw-gin, it is well known, has hitherto failed in this part of the country, but there is good prospect that improved machinery on the principle of the common native *churkah*, will both cheapen and improve the process of cleaning. It may be made both to separate the wool from the seed at less cost than by the hand *churkah*, and also at the same time to cleanse the wool from the dust and impurities with which it is often united, and which unfit it for the purposes of the manufacturer. Mr. Mather, the mechanic in the employ of Government, is now at Fort Gloucester, constructing his machines there, with all the advantages which that establishment affords him. Good iron screw presses have also been established at Agra, and the greatest attention is paid to the compression of the cotton wool into properly-sized bales, a process which has hitherto been ordinarily performed only in Calcutta.

11. As it is not impossible that some misapprehension may exist as to the terms on which this experiment is now conducted, I am desired to offer a few remarks on that part of the subject.

12. It should be borne in mind that, in the middle of 1846, the Lieut.-Governor found himself with a considerable stock of machinery and materials on hand for the preparation of cotton, and furnished with no instruction as to the course he should pursue. The American planters had given up the experiment in despair, and had left this part of the country. The attempt to clean cotton which had been brought in the market signally failed. It remained only to give up the experiment altogether, and to allow all the past experience to be lost, as well as the machinery to be idle, or else to devise some new method of conducting the process. The repeated and strongly expressed wish of the Hon'ble Court of Directors, as well as the then state of the home market, were strong motives for continuing the experiment on any plan which offered reasonable promise of success.

13. In this conjuncture, Mr. H. Hamilton Bell came forward. He is an English gentleman of great mereantile experience and resources, of extensive local influence amongst the agricultural classes, and of the highest character for intelligence and public spirit. He had been an observant spectator of all that had passed in the former experiments. He evidently brought to the work qualifications, which could not have been found united in any other person. At that time the cotton trade of Bengal with England had no existence; no one would embark capital in so unpromising a speculation. No further effort would be made except by the Government, and there was no competitor who could be injured by the Government support afforded to Mr. Bell. The proposed plan was simple and in perfect conformity with the established practice of the country in the cultivation of indigo. It involved but an inconsiderable ultimate expenditure, and was exposed to very small risk. The consequences of failure could not be ruinous; the benefit of success was great.

14. Mr. Bell stipulated for no remuneration. He placed his knowledge, his services, his influence, unreservedly at the disposal of the Government. He only asked for the support of Government till he could prove the truth of his anticipations; and, when that was accomplished, he hoped to find himself in a condition to prosecute the enterprise himself. The contingent remuneration which has been offered him was but a fair reward for the exertions which he made, and was consistent with the character of the Government, which renounces for itself all prospect of gain from commercial speculation.

15. The great distinction between an experiment of this nature, when conducted by the Government, and by an individual, is this. The Government acts for the public. It is bound to lay before the public all the results, to record faithfully its failures as well as its success, to afford full information to all those who may wish to follow its example, to warn against experienced difficulties, and to indicate expected modes of improvement. The individual acting for himself naturally endeavours to keep every thing as much as possible within his own breast. He will show results but to those who are likely to



further his views. He will conceal errors; he will gloss over failures. Without any dishonest intention to deceive, he will justly and naturally feel himself warranted in conducting his operations so as to exclude others from the benefit of his labours. Mr. Bell is perfectly sensible of this distinction, and is acting in good faith with reference to it. His accounts are fully and accurately kept, he reports to the Government from time to time all that is desirable should be known, and he is now engaged in compiling, for the Agricultural and Horticultural Society, a detail of his operations, as far as they have proceeded. This has suffered some delay from the desire to add to the narrative some information, which is now being collected by Mr. Mather from the proprietors of the Fort Gloucester mills near Calcutta.

16. At a meeting held at Manchester on July last by those who were interested in the supply of cotton to England, one of the speakers (Mr. Atherton) asked "How far it was probable

Quoted from the Bombay Times of  
September, 1841.

that European houses in Bombay might be disposed to establish agencies in India." No

satisfactory answer was given to the enquiry, and at length the Chairman stated that "there would be a great difficulty in establishing those agencies, and also that it would be necessary to establish them to obtain a sufficient supply of cotton. He (the chairman) thought there was sufficient spirit in Manchester to provide funds to embark in the establishment of those agencies as a mercantile transaction, and to send them orders for cotton."

17. Now it is evident that the mode of operation followed in these provinces effectually provides against the very difficulty which was considered at the time insuperable at Bombay. The Government, while it conducts its experimental cultivation, establishes also on the spot an experienced agent whom it encourages in every way to seek for the very orders, which the Manchester merchants can find no one at Bombay able to execute. And not only so, but by showing exactly how such an agency can be established and worked, it greatly facilitates their multiplication.

18. To establish such agencies is the sole object of the Lieut.-Governor. When he sees them once in operation he will consider the end accomplished. The Government must then of course immediately withdraw from the field. There will be no difficulty in withdrawal then at any time. The new agency will be ever ready to take over the stock in hand, and to reimburse the Government for what may have been advanced for that year. But till such an agency has been established, or till its establishment is pronounced hopeless, the Government cannot with consistency withdraw from the course which they have embarked; for if they do so, they will have left incomplete one promising mode of operation in a great national undertaking, in which they have already made great sacrifices, and from the success of which they will reap just honor.

19. The Lieut.-Governor trusts that this detail will show that the experiment now in course of prosecution has definite limits, and will be easily tested, and that he is desirous not to press its conduct at all further than may be absolutely necessary to judge of its result. On this understanding, he is desirous to be furnished with authority to prosecute the experiment on the same basis as hitherto for another year, or till the conclusion of the season of 1848, the arrangements for which will not be made till May next. He desires me also to convey an assurance that if the events which may occur between this date and May next, render the further prosecution of the experiment to be then inexpedient, he will not avail himself of the authority now solicited.

20. I am further desired to express His Honor's wish that a copy of this dispatch may be forwarded by the next Overland Mail for the consideration of the Hon'ble the Court of Directors.

I have the honor to be, &c.

J. THORNTON,

*Secy. to Government, N. W. P.*

No. 10.

SUITS TO CONTEST SALES IN TALOOKAH BUDLA-  
POOR IN ZILLAH JOUNPORE.

No. 982 of 1848.

*To the Secretary to the Sadder Board of Revenue,  
North Western Provinces, Agra.  
Dated Agra, the 13th March, 1848.*

SIR,

REVENUE DEPARTMENT. I am directed to acknowledge the receipt of your letter No. 64, dated the 18th ultimo, with its enclosures, on the subject of the suits brought by the Talookdar of Budlapoor in Zillah Jounpore, to set aside certain sales of villages included in the Talookah for arrears of Revenue, and to furnish you in reply with the following instructions on the part of the Hon'ble the Lieut.-Governor.

2. The Talookdar was excluded from the Talookah judicially under Regulation VII. of 1822. The exclusion was an act of the Government in its judicial, and not in its fiscal, capacity. If any doubt could exist in this respect under the express terms of Regulation VII. of 1822, that doubt must be held terminated by the course followed by the courts in dealing with the suit. The Government were excluded from all concern in the suit, and were consequently held unaffected by it. The exclusion of the Talookdar, under the judicial decree of the revenue authorities, was therefore the same as if it had taken place under a decree of the ordinary Dewanny Court, and Government has no further concern with the consequences of the one act than it would have had with those of the other.

3. Now it is certain that the doubtful nature of a defaulter's title is no cause for setting aside a sale for arrears of revenue due from that defaulter. In Section XXIX. Regulation XI. 1822, it is especially provided that "no claim of right founded on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the revenue authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale." Property under litigation, when thus sold, ceases to be the subject of

litigation. That this is often the occasion of hardship cannot be denied, and on this very account Section XXIX. Regulation XI. of 1822, and Section IX. Act I. of 1845, were enacted to remedy the hardship in some respects. The Talookdar who was the claimant of the proprietary title might have availed himself of these legal devices for securing his rights in the estate.

4. It does not appear that the sale in question is impugned on any of the grounds mentioned in Section V. Regulation XI. 1822, and therefore in the terms of Section IV. of that Regulation it is not "liable to be annulled, set aside, or altered by any Court of judicature." There is a

\* See para. 33 of printed Report of Super. and Remembrancer of Law Suits in Bengal for 1846-47, dated October 3rd, 1847.

decision by the Sudder Dewanny Adawlut,\* (which has not been reported but has been

acted on as a precedent,) in the case of Mobaruk Allee *versus* Government and others, passed on July 5th, 1843, which confirms the view that a sale cannot legally be quashed unless some one of the conditions enumerated in Section V. was violated, and such violation does not seem even to be alleged.

5. The Lieut.-Governor does not perceive on what grounds the Courts can set aside these sales, and desires that a reply may be filed in the Civil Courts to the above effect on the part of Government. As it is desirable to avoid delay in the case, a copy of this letter will be sent direct to the Commissioner of the Division, and Collector of the district.

I have the honor to be, &c.

J. THORNTON,

*Secy. to Government of the N. W. P.*

No. 1714 of 1848.

*To Secretary to the Sudder Board of Revenue,*

*N. W. Provinces, Agra.*

*Dated Agra, the 29th April, 1848.*

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter dated March 21st last, regarding the

suits instituted in the Civil Court of Jounpore to contest certain sales of portions of Talookah Budlapoor in that Zillah.

2. Both Members of the Board dissent from the course prescribed in my letter of the 13th ultimo, though on very different grounds ; and the Lieut.-Governor having re-considered the question with that care which is ever due to the expression of the Board's sentiments, desires that you will communicate to the Board the following observations.

3. The Senior Member has discovered that the Sudder Court and the Government have already ruled this question. The Court, however, have expressly withheld their opinion upon it, and reserved it for the further examination which is now in progress. The Lieut.-Governor evidently restricted the acquiescence in the Court's decree to the extent to which that decree had been carried. It over-ruled his own opinion ; and so far he yielded, but it never was his intention to go beyond the Court's judgment, and to yield that point of the case which even the Court themselves reserved for consideration. He desired effect to be given to the Court's decree as far as it went, but was neither competent, nor disposed, to give it a larger scope than the Court designed. There was nothing in the Court's decree, nor in the Lieutenant-Governor's enforcement of it, which necessitated the reversal of the sales, and they therefore have remained in force to the present day.

4. The Lieutenant-Governor does not think it necessary to enter further on the discussions regarding the original merit of the case, respecting the Talookah.

5. The Junior Member entertains no question of the legality of these sales, nor of the obligation on the Civil Courts to uphold them, but he considers it on several grounds right that the Government should exert itself in these cases to persuade the auction-purchasers to waive their right for an equitable consideration, and should thus compromise the suits.

6. The Junior Member considers that the Government have identified themselves with one of the parties in the suit, because the Collector pleaded to the issue ; and because, in the Court of Sudder Dewanny Adawlut, the merits of the judgment of the Settlement Officer were defended. The former act was a sim-

ple error which the Court itself corrected. The error of a subordinate Officer, since rectified, cannot be held to bind the Government.

7. In the proceedings before the Court of Sudder Dewanny Adawlut, the Government had no concern directly or indirectly. The case, so far as it was defended on its merits, was so defended entirely by the parties. It is true that this was a mistake. The Government was justly chargeable with a dereliction of its duty towards the respondents in the matter. It was the duty of the Government to have provided that the case should be fully stated to the Court, and it was apparently because they failed in this duty that the case ended as it did.

8. The Board will, of course, have in their remembrance the correspondence arising out of this case which was forwarded to them with my letter (No. 4956) of November 18th, 1846. It was the conviction forced on the Lieutenant-Governor by his experience in this very instance that has compelled him to resolve that, in all future suits of this nature, the Officers of Government shall charge themselves with the duty of seeing that the merits of the defendant's case are fairly stated.

9. Such being the circumstances, it does not appear how the proceedings before the Sudder Dewanny Adawlut can, in any way, influence the action of the Government. The Lieut.-Governor has little doubt that the Respondents lost their suit before the Court simply from their defective statement of the case, and that if it had been placed before the Court in its right view, the judgment would have been different. It is evident from the Court's own admission that the case was imperfectly before them, and that it could not be brought fully before them by the adoption of a course on the part of the Government Officers, which was not followed on that occasion.

10. There are three grounds on which the Government might consent to compromise these suits;—on the grounds of law, or of justice, or of expediency.

11. The Lieutenant-Governor cannot doubt the perfect legality of the sales, nor does he find this called in question by either members of the Board.

12. No consideration of justice leads to any further favour to

the Talookdar. In the opinion of the Lieut.-Governor, there has been already a great failure of justice in allowing the Talookdar, a favoured Officer of the Government, to trample upon rights which were guaranteed to their owners, by the most solemn pledge which the Government could give. The Government ought not to be a willing party in giving to him more than that which the accident of the case has conferred upon him.

13. Expediency lies in upholding and defending the rights of the auction-purchaser. It never can be expedient to the Government to permit the validity of the title, occasioned by its own process, to be lightly called in question.

14. For these reasons the Lieutenant-Governor determines to adhere to the course which has been prescribed in my letter of March 13th last.

I have the honor to be, &c.

J. THORNTON,

*Secretary to the Govt. N. W. Provinces.*

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No. 11.

HEREDITARY PENSIONS.

No. 1230 of 1848.

*To W. Muir, Esq. Secy. Sudder Board of Revenue,  
North Western Provinces, Agra,  
Dated Agra, the 27th March, 1848.*

SIR,

REVENUE DEPARTMENT, I am directed to acknowledge the receipt of your letter No. 45, dated the 8th ultimo, with No. 305. its enclosure, referring a question as to the authority of the Board to sanction the continuance of hereditary pensions to the heirs of deceased pensioners.

2. The Lieut.-Governor desires me to observe that hereditary pensions held in Benares under Section 3, Regulation

XXXIV. 1795, in the ceded and conquered Provinces under Section 2, Regulation XXIV. 1803, are of the same nature. They are not liable to resumption, and are, in all respects, considered as property. No application need be made to the Government regarding successions or transfer in the case of such Pensions. By Section 14, Regulation XXXIV. 1795 and Section 16, Regulation XXIV. 1803, all questions regarding successions to, or transfers of, these pensions, are left to be disposed of by the Civil Courts.

3. Under the Regulations, as declared and explained in Section 9, Regulation XXII. 1806, all other pensions are gratuitous; and the continuance or discontinuance of them to heirs depends upon the pleasure of Government.

4. As regards these latter pensions, the Lieut.-Governor is reluctant to dispense with the provisions contained in Section 16, para. 117 of their Board's printed Circular No. 4, which requires that all lapses be reported to the Government for orders. It is feared that much laxity has heretofore prevailed in declaring pensions hereditary, and it is right that the Government should have the opportunity of correcting any error which may have been committed on the demise of each incumbent, which is the time when the correction of the error will be attended with least hardship to the person concerned.

5. As regards hereditary pensions under Section 2, Reg. XXXIV. 1795, no question can arise. Their amount is fixed by law, and a list of them was furnished to Government by your Board on January 12th, 1836.

6. But the same certainty, it is feared, does not exist regarding pensions held under Section 2, Reg. XXIV. 1803. Further information on this subject is necessary. Regarding this class of pensions, it may also be remarked that, by Regulation VI. 1817,

\* See Constructions by S. D. A. No. 230, dated 12th January, 1816, and No. 343, dated 6th July, 1821. the Courts of Civil Justice are precluded\* from taking cognizance of claims to those the original title to which has not been previously recognized and confirmed by the Revenue authorities or by Government. Moreover, under Section 29, Reg. II. 1819, such pensions are liable



to resumption only upon proof being adduced of the invalidity of the tenure in commutation of which they are supposed to have been granted, within twelve years of the recognition of the right of Government. Any such pension, therefore, which has been enjoyed for twelve years under an order of Government, cannot be called in question.

7. Supposing lists of pensions held under Section 2, Reg. XXIV. 1803 to be formed as complete as of those held under Section 2, Reg. XXXIV. 1795, many perplexing questions may still arise regarding property of this nature. The law makes no provision for the identification of pensioners, or for the transfer of pensions, or the succession to them. The Government or its Officers may find themselves liable to severe loss in meeting claims on which no decision can be obtained without forms of procedure, the expence and trouble of which would be beyond the worth of the pension. The total of Rs. 33,296-7-0 thus held in Benares seems, in 1836, to have been divided in 375 portions, held by 283 persons, of whom 101 drew more than 100 Rs. per annum, and 85 less than that amount but more than 50 Rs. per annum. The trouble of making so many petty payments as these must be very great. It would apparently be desirable that the Government should, if possible, be relieved from this risk and trouble.

8. A simple means of avoiding this inconvenience would be found in purchasing up these pensions, which the holders would probably be ready to transfer to Government for considerably less than the twenty years' purchase, which would yield the amount if invested in Government Securities at the rate of the day. The only objection to a measure of this nature would lie in the possibility of some of these pensions eventually escheating to Government, under the construction in Para. 2, of the letter addressed to the Board by the Register to the Court of Sudder Dewanny Adawlut No. 4, dated 2nd January, 1836, communicated to Government with the Board's letter of the 12th of the same month. This is, however, in the Licut.-Governor's opinion, a remote and improbable contingency, and little weight is therefore attached to it.

9. In other cases not of the nature contemplated above, and where the obligation to continue the pension to heirs is of a moral or political rather than of a legal nature, it may be expedient to compound for the renewal of the pension by the payment of a few years' purchase, so as to avoid the annoyance of several small payments, much on the principle lately adopted under the orders of 16th August, 1845, No. 3511, in commuting life pensions to Maafedars into sums promptly paid. In these cases, however, it may be politic to attach the pensioners to the Government, by paying their pensions periodically from the public Treasury; and therefore none should be compounded for but such as are of a small amount, where the trouble of making the payment over-balances the value of the payment, as, for instance, where the annual amount is under 100 Rs. or 50 Rs. The Lieut.-Governor is therefore desirous to obtain information from the Board on the following points.

*First.*—As to the means which exist for discriminating between pensions, said to be perpetual, which are claimable under Section 2, Regulation XXIV. 1803, and which are not so claimable.

*Secondly.*—As to the terms on which pensions claimable under Section 2, Reg. XXXIV. 1795, and Section 2, Regulation XXXVI. 1803, can be purchased, and the expediency of doing so.

*Thirdly.*—As to the terms on which other pensions said to be in perpetuity can be equitably compounded, and the expediency of doing so.

10.—Meanwhile, all pensions held under Section 2, Regulation XXXIV. of 1795 may be continued to the heirs and assignees of the present holders without any reference to the Government, and the same rule will be extended to those held under Section 2, Regulation XXIV. 1803, as soon as complete information is possessed regarding them.

11. The continuance to the heirs of the former incumbents of all the pensions mentioned in para. 3, of your Board's letter is sanctioned pending further enquiries.

12. The remarks in this letter of course have no reference

to super-annuation pensions granted by the Government to their own servants.

I have the honor to be, &c.

J. THORNTON,

*Secy. to Government, N. W. P.*

### No. 12.

## SURVEY OF AJMERE AND MHAIRWARA.

No. 1247 of 1848.

*To G. A. Bushby, Esq., Secy. to the Government of India,  
Home Department.*

*Dated Agra, the 28th March, 1848.*

SIR,

REVENUE DEPARTMENT,      The Lieutenant-Governor has been given to understand by Lieutenant Vaurenen, in charge No. 306. of the Ajmere and Mhairwara Revenue Survey, that the duty on which that Officer is employed will be so far brought to a conclusion in November next that the small remaining portion of the detailed survey of the Southern part of Mhairwara might then be left to a portion of the establishment with an assistant; Lieutenant Vaurenen himself, and the greater part of his establishment, being available for duty elsewhere.

2. The survey party is a very efficient one. When so much work of this sort remains to be done in these provinces; it would be very inexpedient to break up the establishment, and discharge the party. Lieut. Vaurenen and his establishment should be employed elsewhere in that part of the country where they are most needed, and the sooner a decision is come to on this point, the more economical will be the arrangement. Any want of fore-thought or preparation in the operations of an expensive establishment of this kind, which depends for its efficiency on the consent of other departments, delays its progress, and adds to its cost. The Lieut.-Governor is therefore desirous to obtain on the earliest date the decision of the Right

Hon'ble the Governor General in Council regarding the future destination of this Survey party.

3. The Survey of the whole Cis-Trans-Sutlej Territory is sufficiently provided for by the parties now engaged there.

4. The Survey of the Sangor and Nurbudda Territories has been decided upon by the Right Hon'ble the Governor General in Council, but the Lieut.-Governor learns, from Mr. Secretary Elliot's letter to the Deputy Surveyor General dated 10th March, 1848, that it is intended to move the Sutlej Survey parties thither at the commencement of the season of 1849-50. The Lieut.-Governor has no certain information of the progress which has been made in the boundary work there, or whether the Territory will be ready for survey in November next.

5. It will, doubtless, be judged expedient to survey also the districts transferred by the Gwalior State under the treaty of the 13th January, 1844. Of these districts Hindia and Hurda, as well as Chunderree, adjoin to the Sangor and Nurbudda Territories, and would fall within the operations of that survey, whilst Kuchwahagurh, and the unsurveyed pergunnahs transferred from Jhansee, would come within their reach. Jawud Neemuch is not far from Ajmere, and might advantageously be reached from Ajmere, if the survey were decided upon and the country in a proper state of preparation. Supposing the survey to be now sanctioned, yet the territory is so scattered and intermixed with Meywar, and the difficulty of carrying on any operations in concert with that State is so great, that the country could not be well prepared for survey in time. It will be better that the Sangor and Nurbudda Surveys, after they have completed their work there, turn one of them northwards to Kuchwahagurh, and the other in a south-westerly direction, first to Nemaun, and thence to Neemuch.

6. Annexed to this letter will be found some documents\*

\* Memorandum regarding embankment for irrigation on the Delhi Territory dated 15th Feby. 1848.

To Sur. Genl. dated 30th Sept. 1847, with enclosures.

From ditto ditto dated 30th Nov. 1847, with ditto.

To ditto ditto, dated 13th Jany. 1848.

showing the great importance of a re-survey of part of these provinces in connection with irrigation.

7. The memorandum regarding embankments near

Delhi,\* is the result of many years' experience in that part of the country. The Lieut.-Governor has long been satisfied of the importance of some systematic effort for the improvement of the Delhi Territory. His late visit to it, and personal inspection of many of the decayed embankments, has confirmed his impression. In the immediate neighbourhood also of the country, lies the Pergunnah of Kot Kasim, which has lately been transferred to the management of British Functionaries by the king of Delhi. This Pergunnah should be surveyed and mapped.

8. The survey of Rohilcund is known to have been one of the worst in these Provinces. The establishment was the least efficient of any, and the natural difficulties to be overcome the greatest. The resulting inconvenience has been most felt in the northern Pergunnahs, adjoining the hills. Great attention has lately been paid to this part of the country. The measures for draining and irrigating, as well as the natural increase of population, and spread of cultivation, are giving additional value to these lands. An accurate survey of them is much required in order to give a secure title to land, and also to facilitate the construction of works for irrigation. There is much correspondence in this Office establishing the necessity for this survey. That which is here transmitted is only a part, and shows the recognition of that necessity by the Surveyor General of India, who is the most competent judge in the country.

9. These two surveys in Delhi and Rohilcund will not be mere Revenue Surveys. The rivers and lines of drainage must be laid down as accurately as the village boundaries. There will be much levelling as well as horizontal surveying. It will also be necessary to combine a system of triangulation with the ordinary circuit survey. The heavy jungle in northern Rohilcund often renders the duty of the Surveyor peculiarly arduous, and obliges him to resort to expedients for obtaining an accurate delineation of the country, such as are not necessary in more open and better known tracts.

10. For these duties Lieut. Vanrenen is peculiarly qualified. He has had experience in the Canal Department; in Scinde and in Ajmere and Mhairwarra he has become familiar with those

\* See Vol. I. p. 378.

extraordinary works which Lient.-Col. Dixon has constructed there, with well known ability and success. No part of the country is better fitted than the country south of Delhi to benefit by such works, and it would be very desirable that those, who are familiar with their form and features, should survey the country, with a view to their introduction there.

11. It is not easy to say how long the proposed work should occupy the survey party. A belt of land, in width about twenty miles, stretching along the foot of the hills from the Suddah to the Ganges or the Jumna, will need to be surveyed. The duty cannot be completed before the close of the season 1849-50.

12. Under these circumstances the Lient.-Governor trusts that his Lordship in Council will consent to leave Lient. Vauvrenen's Survey party at the disposal of this Government for the next two seasons, to be employed in the contemplated manner.

13. A copy of this letter will be sent to the Foreign Department as the questions discussed in it, have reference to much that has passed in communication with the Secretary in that Department. A copy will also be sent to the Deputy Surveyor General, in order that he may be prepared if necessary, to express his opinion on the points connected with his special duties.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

### No. 13.

## INSTRUCTIONS FOR SETTLEMENT.

### *Suggestions for the formation of the Village Settlement of Ajmeer.*

N. B.—The numbers in the margin refer to the Paras, in the Directions for Settlement Officers in which the subject is mentioned.

scientific and European methods.

2. The list of all the mouzahs, Khalsah, Istumrardar, and Para. 7. Jageerdar, can easily be formed.

1. The first object is to prepare the district for Survey according to both the Scien-

3. The adjudication and demarcation of boundaries should then be completed, and outline sketches of the boundaries of each village should be formed and verified and recorded. N. B.—The points where three boundary lines meet should be prominently marked.

4. Measures should be taken for the immediate formation of a body of skilful Native Ameens, qualified to form khusrahs and shujrahs. Two instructors will be sent over from Agra to assist in this work, but it is believed that some of the Superintendent's establishment have a knowledge of the system, which can be improved by means of the several treatises on the subject which have lately been published.

5. As soon as competent Ameens can be procured, they should be deputed to make khusrah measurements and shujrahs of the villages now ready for Settlement.\* They should only measure the cultivated and culturable land. The barren waste land need not be measured, but the village boundary should be sketched in by the eye, so as to show its general form and extent. The cultivated lands should be measured field by field, care being taken to explain and define what is meant by a field. The culturable land should be measured in convenient parcels. The best practicable definition should be given of the nature of the culturable land thus to be measured.

6. The khusrahs and shujrahs must be carefully tested in all respects. They will only be needed for the khalsah lands and villages.

7. The scientific survey, as soon as it can be given, should be carried over the whole district, istumrardar and jagheer as well as khalsah, and will show the village boundaries, and the total cultivated and culturable area, as well as the geographical features.

8. If the khusrah survey is made before the scientific one, the khusrahs and shujrahs should be made over to the Sur-

\* Villages in a good state of cultivation, where the proprietors are united, or of industrious habits, and are themselves anxious for a Settlement, are those which may be considered ready for it, and prepared to profit by it.

veyor, that he may examine them and compare them with his scientific Maps.

9. The professional survey need not perhaps be extended over the jagheer of Shahpoorah, unless the Rajah wishes it. It is not improbable he may do so, if the advantage to himself is made apparent to him. In that event the Government will bear the expense of the scientific survey; but any khusrah survey, which he or the istumrardars may desire, must be made at their own expense.

10. It will be necessary to take every precaution to prevent misconduct on the part of the European and Native surveyors. If the survey be discredited at first by their mal-practices, strong prejudices will naturally be entertained against survey in general.

See also Paras.  
34—37.

11. Moderation in fixing the jumma will be very necessary.

The present season promises to be a good one, and it is always dangerous to form a settlement after a good year. The jumma should be fixed with reference to average seasons and should not exceed two thirds of the probable

average rental of the estates during the period of settlement. The punctual realization of a jumma from the whole khalsah villages equal to Mr. Edmonstone's assessment, and yielding over and above that amount a moderate profit (say 10 per cent.) on the money invested in tanks and reservoirs, is a fair object to keep in view.

12. The settlement should be for a long period, 20 or 30 years.

13. The success of the settlement will depend mainly on the accuracy of the record which may be formed of the holdings and rights of the several proprietors. They all have a property in the soil, and consider themselves jointly responsible to the Government for the sum assessed on the whole village; but it will be necessary to lay down with precision the questions of village administration, which affect their rights.

Para. 167.

The points which most require to be provided for are the following :

1st. The power of the potails, and putwarrees, and village representatives (lumburdars); how appointed, how removed, how remunerated.



2nd. The right to take up culturable waste land ; whether such land is to be divided ; if so, according to what law, and when ; if not, who is to possess it, or how any one is to acquire the right of cultivating it.

3rd. The village *khevat* to be accurately formed ; how long to last ; liable to what modifications ; how the demand is to be enforced from a refractory or insolvent proprietor. If liable to alteration, on what principle, or by what rule, it is to be revised.

4th. The village expenses (*mulbah*) how to be audited ; what items to be admitted. What items are to be credited and debited to the *mulbah* fund.

5th. The repair of tanks and embankments, by whom to be made, and in what proportions, and how the advantages from them are to be shared. N. B.—It would be well to reserve to the Government the function of determining what repairs are necessary, and at what cost, the community only determining how the cost is to be made good.

14. Supposing all this to have been well arranged, and the assessment to have been equitably fixed, it will still be necessary that a vigilant superintendence be exercised over the village for some time. It will be necessary not only that the law should be laid down which is to regulate the rights of the proprietors, but also that they should learn how to apply and enforce that law. Their exertions must still be encouraged, and they must be taught how they may not only support themselves, but even rise to affluence, under the new regime. All the experience and influence of the present Superintendent, Major Dixon, will be needed to teach them these lessons : but if the lessons be once well learned under his teaching, it is not likely that they will be forgotten, or that they will cease to yield all the benefits that may be fairly anticipated from them.

JOHN THORNTON,

*Secretary to the Government, N. W. P.*

*The 29th December, 1846.*

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## No. 14.

No. 1255 of 1850.

*To Lieut.-Col. C. G. Dixon,**Superintendent of Ajmeer,**Dated Head-Quarters, the 25th April, 1850.*

SIR,

REVENUE DEPARTMENT. The Lieutenant-Governor has had under his consideration your report dated 28th February last, reporting the Settlement of the Khalsa villages of Ajmeer.

2. The decision and demarcation of boundaries seem to have been well performed, and will no doubt be productive of all the benefits you anticipate. The Agent to the Governor General will be desired to use his utmost endeavours to bring to a speedy and fair termination, the dispute between mouzahs Chatree of Ajmeer and Nurwur of Kishengurh, which is stated (paragraph 5,) to be the only one not yet finally settled.

3. The assessment has been fixed on the villages according to the principles laid down in the orders of Government dated 29th December, 1846 and 27th April, 1849. In so far as it is calculated to yield the jumma fixed by Mr. Edmonstone in 1836, and seven per cent. upon the outlay on tanks and reservoirs which have been constructed under your superintendence since 1842, it is highly satisfactory. It is not, however, clearly stated what proportion this bears to the probable net assets of the estates.

|                                                                     |                              |
|---------------------------------------------------------------------|------------------------------|
| 4. If the Lieutenant-Governor rightly understands your              | three Statements Nos. I. II. |
| Net Government jumma now fixed, . . . . .                           | 1,71,219                     |
| Gross demand now fixed, ..                                          | 1,77,519                     |
| Highest amount realized under kham management in 1847-48, . . . . . | 1,67,237                     |
| Highest amount ever realized, viz., in 1819-20, . . . . .           | 1,73,482                     |

and III., it appears that the net sum claimable by the Government, as well as the gross sum demandable under all heads from the whole of the estates,

exceeds the collections during any one year of kham manage-

ment, and has only been once reached since the territory came under British management. It

may also be remarked that as yet the irrigated land bears but a small proportion to the unirrigated.

|                                                            |       |         |
|------------------------------------------------------------|-------|---------|
| Chahee or well land, .....                                 | Acres | 16,139  |
| Tulabee or lake land, .....                                | ,,    | 8,212   |
| Abee or land liable to submersion, ..                      | ,,    | 6,331   |
| Total irrigated, .....                                     |       | 30,682  |
| Barance or land watered by the rains, ..                   | ,,    | 53,788  |
| Culturable land lately thrown out of<br>cultivation, ..... | ,,    | 39,458  |
| Culturable waste, .....                                    | ,,    | 76,265  |
| Total unirrigated, .....                                   |       | 169,511 |

These circumstances cannot but give rise to some apprehension that the assessment may be found in some degree higher than the country can readily pay.

5. At the same time, the Lieutenant-Governor is willing to allow weight to the circumstances stated in your 38th paragraph. It is probable that time and the security of long leases are alone wanting still further to develop the advantages likely to arise from the extensive means of irrigation now placed at the command of the people. The Lieutenant-Governor is also ready to trust your local experience and intimate knowledge of the people, and to believe that you have so fixed the assessment as to draw forth rather than discourage their exertions.

6. The Settlement therefore as now fixed by you, and as

| Pergunnahs     | Government<br>jumma. | Tulao<br>Fund. | Road<br>Fund. | Total<br>Demand. |
|----------------|----------------------|----------------|---------------|------------------|
| Ajmeer, .....  | 40,747               | 1,208          | 424           | 42,379           |
| Rajgurh, ..... | 63,393               | 1,678          | 651           | 65,722           |
| Ramsur, .....  | 67,079               | 1,651          | 688           | 69,418           |
| Total, ...     | 1,71,219             | 4,537          | 1,763         | 1,77,519         |

noted in the margin, is confirmed for the period of twenty-one years. This is exclusive of the lands of Boydpoora in Qusbeh Ajmeer,

of Nearan in Pergunnah Rajgurh, and of Mahomed Khara in Nepolee Pergunnah Ramsur, all of which have, for special reasons, been excluded from the present Settlement. It is, however, to be understood that, except after report to the

Government and special sanction, no other penalty is to attach to non-fulfilment of the Settlement contract than annulment of the lease, and return to kham management. In your annual reports, you will of course state in what cases, and under what circumstances, if any, such a measure is necessary.

7. The circumstances stated in your 30th paragraph regarding Mahomed Khera in Nepolee Pergunnah Ramsur, are so singular, that some further explanation seems necessary. The grant is represented to have been made by Capt. Macnaghten and Colonel Alves alone. It is not known how those officers were considered competent to perform such an act, which certainly is not binding unless confirmed by the Government. In making this grant, private right appears to have been infringed, as well as the public revenue improvidently alienated. However leniently the Government might view the acts of its officers in respect of its own rights, injustice to others in favour of any individual cannot be permitted. You are requested specially to report who Mahomed Khan was, and why he obtained this grant, and whether it has been confirmed by Government.\*

\* The annexed extracts will show the final resolution regarding this village. Mahomed Khera. Extract paragraphs 244 to 246, from Revenue Narrative, No. 4, dated the 13th of November, 1850.

#### AJMEER.

Paragraph 244. With reference to Orders, dated 25th April last, the Superintendent submitted full particulars connected with the

#### COLLECTION No. 13.

Location of a Hamlet in Pergunnah Ramsur, paragraphs 204 to 211 Revenue Narrative, No. 3 of 1850.

Revenue Proceedings, Sept. 1850, Nos. 249 to 252. Pergunnah Ramsur in this district.

location of a hamlet named Mahomed Khera, on the lands, of the village of Nepolee,

245. The Lieutenant-Governor in reply observed that, although the grant of the land, on which the hamlet was situated, to Mahomed Khan in the year 1838, was in some respects irregular, yet it was confirmed by all the Officers possessing authority in that part of the country, and the grantee could have had no reason to fear that his title would be called in question unless it were by a suit in Court, to which the biswahdars of mouzah Nepolee had been referred. More than twelve years had now elapsed without any such suit being instituted, and the grantee was acknowledged to have expended considerable capital in the improvement of the land. Under these circumstances the Lieutenant-Governor was of opinion that it was more equitable to allow the lease to hold good than to interfere with it.

8. In paragraph 39 you have cursorily alluded to the preparation of the khewuts, and the decision of the many questions regarding the proprietary right to the land which are likely now to arise. On the judicious and complete termination of this operation the stability of the Settlement will mainly depend. The Malgoozars will now find themselves placed in very novel circumstances. They will find competency and wealth placed within their reach, but it will require vigorous efforts on their part to secure these advantages. Unless the energies of all the members of each community are put forth simultaneously, and in perfect concert, dissensions and ruin will be the result.

9. The administration paper, or wajib-ool-urz, (*vide* paragraph 167 Directions for Settlement Officers) must be framed with the greatest prudence and forethought. It must be a faithful record not only of existing customs regarding the division of all profits arising out of the lease, but also it must contain

246. His Honor agreed with the Superintendent that there was no occasion to uphold the appropriation of 200 beegahs as Bhoom land after the expiration of Mahomed Khan's lease. When that period arrived, a fresh Settlement should be made with Mahomed Khan for the whole of the lands, including that now recorded as Bhoom on their assets. The management and occupaney of the whole tract should be left with Mahomed Khan, according to the tenor of the original engagement, but a malikana allowance of ten per cent. on the revenue assigned to Government under the renewed lease should be granted to the biswahdars of mouzah Nepolee; to be distributed among them in proportion to their shares in that village. This would be in accordance with the spirit of Section 8, Regulation VII. of 1822, as regarded cases of this kind. The above orders were to be communicated to the parties concerned.

Extract paragraph 99, from a Despatch from the Hon'ble the Court of Directors, No. 13, dated the 15th of September, 1852.

#### AJMEER.

Paragraph 99. We concur in the propriety of leaving undisturbed, until its expiry, the present lease to

244 to 246. Explanation concerning the irregular location of a hamlet in the village of Nepolee forwarded in obedience to the orders of Government Instructions as to the course to be adopted on the expiration of the present lease which it was not deemed equitable to disturb.

Mahomed Khan, notwithstanding the irregularity and carelessness visible in the whole proceeding. We approve the directions, that

on the occurrence of that event, a new settlement should be made with him for the whole of the lands (including two hundred beegahs now appropriated as Bhoom lands) granting malikana at ten per cent. to the biswahdars at Nepolee.

complete and full provision for the apportionment of future profits which are likely to arise from the extended irrigation or other improvement of the estate. The Lieutenant-Governor is convinced of your high qualifications for forming an accurate register of the nature, but he apprehends that you are not fully aware of its great importance, and he therefore desires me to urge it especially on your consideration. The notice of this important subject which is contained in your report is by no means satisfactory, and His Honor requests that you will, at as early a date as may be practicable, furnish him with a full report classifying the tenures according to their characteristic features, and describing a few of those which you find to be the most numerous, or most deserving of special notice. It is also desirable that you should describe particularly the rules which the proprietors lay down for the regulation of the profits which may hereafter arise from bringing waste land into cultivation, or from bringing Baranee lands under irrigation.

10 The arrangements mentioned in paragraphs 25 to 27, regarding certain villages in which the profits are divided between the Government and the Istumrardars or Jageerdars, are approved and sanctioned.

11. The realization of the benefits likely to accrue from the tanks and reservoirs will mainly depend on the efficiency of the provision which is made for maintaining those works in efficiency. It appears from paragraph 35 that the funds for this purpose will be derived from three sources.

*First.* One per cent. on the expenditure upon the bunds, as stipulated at the time of Settlement, amounting to Rs. 4,537 per annum.

*Second.* The produce of fallen or decayed timber trees grown on the embankments.

*Third.* A water rent levied on all Bhoom or Jageer lands irrigated from the reservoirs.

12. It is not expected that the two last sources of revenue will be very productive, but the whole is considered ample for the purpose. Of this you are no doubt a competent judge, so long as your own time and energies can be devoted to the work. But this cannot always be the case, and your object should be

now to organise an establishment and system, which will probably be effective when your personal superintendence ceases. On this subject the Lieutenant-Governor would wish to obtain a fuller explanation of your views. There should perhaps in each mouzah be a village Officer responsible that the reservoirs and water-courses are kept in full repair. Instructions should be furnished for his guidance, and specific penalties attached to failure in his duties. His emolument might be made dependant on the extent of irrigated land. A Pergunnah Officer should be responsible that the village Officers do their duty, and over all should be placed a District Officer of superior skill and scientific attainments, who, under the Superintendent's immediate orders, should be employed in constantly visiting the works and keeping them in order. Some such organization as this would be consistent with the customs of the country, and might probably be placed on a footing which would secure to the supervision a character of permanency not otherwise attainable. This subject is recommended to your attention. His Honor is so strongly convinced of its importance that he is prepared to entertain a proposal, which should make the maintenance of the District Officer, and perhaps even the Pergunnah Officers, an additional charge on the State.

13. The Lieutenant-Governor is glad to find (paragraph 41) that you are suitably impressed with the importance of making and repairing the roads in the district. One per cent. on the revenue of the Khalsa Villages yields but Rs. 1763, and is quite inadequate for the purpose. Nor does it seem equitable that the proprietors of the Jageer and Istumrar Villages, who are better able to bear the burthen than the proprietors of the Khalsa Villages, and will profit equally with them, should be wholly exempted from all obligation to contribute their quota. It is therefore most desirable that some plan should be devised, whereby those persons should contribute to the road fund rateably with the rest. This may be effected by an enforcement of the well-known principle that all holders of land are bound to furnish labourers to keep the public roads in repair. The money-payment would then be a mere composition for the enforced labour. It is not easy to determine the rate, especially

in the Jageer villages, but, as the survey has already fixed the total area of every village, it might be sufficient to make it correspond with that which falls on a similar area of Khalsa land. It will be better, however, to leave you to settle this in communication with the people. It is not unreasonable to suppose that they will readily accede to the arrangement, when they receive the guarantee of the Government that the funds thus raised shall be faithfully disbursed for this purpose, and when they are encouraged to place some of their own members on the Committee, to superintend the disbursements, and to see that they are properly distributed. Of course no part of this sum should be considered available for the formation or repair of the mere station roads.

14. The maintenance of the Pergunnah Establishments mentioned in paragraph 40 is approved. The appointment of Gholam Hosein, to be permanently a Deputy Collector on your establishment, will have provided for the want noticed in paragraph 29 of your letter.

I am, &c.,

J. THORNTON,

*Secretary to the Govt., N. W. P.*

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**No. 15.**

No. 3644 of 1850.

*To Lieut.-Colonel C. G. Dixon,*

*Superintendent of Ajmeer and Mairwarah,*

*Dated Head-Quarters, Lieut.-Govr.'s Camp, the 20th Nov, 1850.*

SIR,

REVENUE. I am directed to inform you that your letter DEPARTMENT. No. 278, dated 27th September last, reporting the Settlement of the District of Mairwarah, has been received, and laid before the Hon'ble the Lieutenant-Governor, together with its several accompaniments.

2. The Lieutenant-Governor has entire reliance on your care and judgment, aided as these are by minute personal acquaintance with the tract under report, and cannot therefore fail to approve a measure which you present for confirmation



with confidence, and which you moreover state to have been received with acceptance by the people.

|                                 | Net demand from villages. | Road Fund. | Tulao Fund. | Gross demand from villages. |
|---------------------------------|---------------------------|------------|-------------|-----------------------------|
| Ajmeer Mairwara, Co.'s Rs.      | 85,477                    | 912        | 3,345       | 89,734                      |
| Marwar Mairwara, Co.'s Rs.      | 7,972                     | 84         | 172         | 8,228                       |
| Meywar Mairwara, Chittoree, Rs. | 88,302                    | 916        | 1,562       | 90,780                      |
| Total Rs.                       | 1,81,751                  | 1,912      | 5,079       | 1,88,742                    |

set apart for the construction and repair of roads and reservoirs.

| * Ilqas.             | Pergunnahs. | Villages.                     | During 1258 Fuslee. | During 1259 Fuslee. |
|----------------------|-------------|-------------------------------|---------------------|---------------------|
| Ajmeer,              | Beawr,      | Kesurpoora Pursa, .....       | Rs. 40              | Rs. 40              |
| "                    | "           | Lamba with Purtabpoora, ..... | 70                  | 0                   |
| "                    | "           | Khadea Khera, .....           | 39                  | 39                  |
| "                    | "           | Rampoora Meywatean, ...       | 25                  | 0                   |
| "                    | "           | Noondree Meindratan, ...      | 70                  | 0                   |
| "                    | "           | Kulalea, .....                | 59                  | 59                  |
| "                    | Bhaelan,    | Bamunhera, .....              | 15                  | 15                  |
| "                    | "           | Churpulan, .....              | 39                  | 39                  |
| Meywar,              | Todgurh,    | Jhoontra, ... Chittoree Rs.   | 100                 | 50                  |
| "                    | "           | Kaneana, .....                | 30                  | 0                   |
| "                    | "           | Toksee, .....                 | 100                 | 50                  |
| Total Remission, ... |             |                               | 587                 | 292                 |

3. His Honor is consequently pleased to sanction the Settlement as concluded by you for twenty years from 1850-51, at the jumma noted in the margin; including the sums

The proposed abatement of Rs. 587 for 1258 Fuslee, and of Rs. 292 for 1259 Fuslee, from the above jumma, on account of the depressed state of eleven villages,\* as detailed in the 38th paragraph of your report is also sanctioned.

4. It is observed that seven villages, as entered in the

| * Ilqas. | Pergunnahs. | Villages to which the Hamlets belong. | Names of Hamlets. | Remarks |
|----------|-------------|---------------------------------------|-------------------|---------|
| Ajmeer,  | Beawr,      | Kotra,                                | 1 Barea Bhopa.    |         |
| "        | "           | "                                     | 2 " Teja.         |         |
| "        | "           | "                                     | 3 " Dulla.        |         |
| "        | "           | "                                     | 4 Seleo Beree.    |         |
| "        | "           | "                                     | 5 Berea Khoma.    |         |
| Marwar,  | Chang,      | Chang,                                | 1 Ramgurh.        |         |
| "        | "           | "                                     | 2 Lakeena.        |         |

operation. The demand upon these estates should be fixed,

150440

so as to correspond with the rest of the district, as soon as they are in a condition to permit of this being done.

5. The other points which require the orders of Government, will now be noticed, in the order in which they appear in your report.

6. The deduction of 2318 beegahs from the malgoozaree area  
 Para. 12. of the district, on account of rent-free holdings of various descriptions, is approved and sanctioned.

7. The several arrangements mentioned by you in the paragraphs noted in the margin, whereby part of the  
 Paras. 13-20. proceeds of certain villages has been assigned to independent Chiefs and others, have been long in force either under the orders of Government, or of former Residents. The Lieutenant-Governor does not consider it necessary to interfere with any of them.

8. The explanation submitted by you, with regard to Thakoor Bhopal Singh's claim on the Qusbeh of Beawr,  
 Paras. 21-25. is clear and satisfactory. It is evident that the Thakoor was never able to establish his ancestral right to the Qusbeh, which you observed "had been in a state of ruin and dense jungle for two centuries preceding the reduction of the country by British Arms." The arguments adduced by you against his claim to twelve wells in Bhoom are also conclusive and sufficient. His third claim, viz., to the profits of the estate for four years, from 1827 to 1831, is fully met by his having enjoyed the produce of the land cultivated by his household, free of payment, from 1831 to the present year, besides that the cancelment of his lease in 1827 arose from his own misconduct. The Lieutenant-Governor therefore does not consider that Neem Deo, the son of Bhopal Singh, has any claims of right against the Government, but he concurs in your proposal that the rent of the land still held by him in the Qusbeh (four hundred and seventy-four beegahs and ten biswahs) be fixed at Rs. 233 during the life-time of Neem Deo, and at Rs. 374 after his decease.

9. The Lieutenant-Governor acknowledges the weight of  
 Para. 36. your observation that the punctual realization of the revenue now fixed must remain to a certain

degree dependent on the seasons, and that much will depend, whenever a deficiency of rain occurs, on the diligence of the Superintendent in making personal enquiry as to the extent of the evil. It is satisfactory at the same time to consider that the reservoirs, which you have been instrumental in forming, will not only diminish the frequency of injurious droughts, but that they will also afford a sure criterion, in addition to the pluviometers, of estimating the real character of the season as it affects every estate.

10. The existing arrangement, whereby the charge of the works for irrigation is entrusted to the Tehseeldars, may remain in force so long as it works favourably. If you should hereafter see occasion to alter your opinion as to the advantage of appointing a separate officer for this duty, you are at liberty to revive the proposal.

11. The Lieutenant-Governor approves of the mode in which you propose to recover half the expense of raising works for irrigation in certain villages from the Chiefs of Mussooda and Khurwa.

12. His Honor will expect a future report upon the preparation of the Khewnt papers for Mairwarah, as well as for Ajmeer, as soon as the work is completed.

13. It is not fully known to what previous orders you refer, in mentioning "the usual annual donation," for aiding small agricultural works in Ajmeer Mairwarah. There is no objection to your making occasional advances of tuccavee, not exceeding in all the above annual amount, to such estates as may require it, and as will make a good use of it, but provision should at the same time be made for the early re-payment of sums thus advanced.

14. In conclusion, I am desired to convey to you the Lieutenant-Governor's sense of the zeal with which you have entered on the duty now reported, and of the diligence with which you have completed it. His Honor trusts that your exertions will produce lasting benefit, both to the Government and the people.

I have the honor to be, &c.,

J. THORNTON,

*Secy. to the Govt. of the N. W. Provinces.*

## No. 16.

## RIGHT OF PRE-EMPTION, AND RECORD OF PROPRIETARY MUTATIONS.

No. 1326 of 1848.

*To the Secretary to the Sudder Board of Revenue,  
North Western Provinces, Agra,  
Dated Agra, the 4th April, 1848.*

SIR,

REVENUE DEPARTMENT, I am directed to acknowledge the receipt of your letter No. 130 of the 10th ultimo with No. 30. its enclosures, regarding the right of pre-emption and record of mutations.

2. The Lieut.-Governor concurs with the Junior Member that it is the proper province of the Collector to register mutations which have taken place, and not to decide whether they should take place.

3. It is apparently owing to the defective wording of the Board's Printed Circular Order No. III. Section VIII. that a different practice has prevailed; Section 209 of that Circular directs the Collector to *disallow the application* for mutations of names, if the transfer militate against the terms of the Wajib-ool-Urz. Section 212, directs him *to cause the mutation to be made* if the transfer be in conformity with the terms of the Wajib-ool-Urz. In fact, as the Junior Member justly supposes, the Collector has no power to disallow the mutation of names, if the transfer has actually taken place; nor to cause it to be made, if there is any obstacle to the transfer.

4. In practice, people effecting transfers apply to the Collector for mutation of names, before the transfer is complete, as a device for ascertaining whether opposition will be raised to it. If no objection is raised to it, or if an objection is made only by a person unable to oppose the transfer, it takes place as a matter of course. If, on the other hand, the transfer is opposed by those who are in a position to resist it, the Collector should refuse mutation of names till (in the words of Section 41, Regulation XLII. 1803) he ascertains the truth of the transfer.

5. All that para. 209 and 212 of the Board's Circular meant was that, when the Wajib-ool-Urz set forth the right of pre-emption, the objecting coparceners were in a position to resist the transfer, and that the Collector was bound so far to respect their objection as to refuse to make the mutations till he was satisfied that the transfer had actually taken place.

6. The same is the state of the case, with regard to those who are not Sudder Malgoozars, in the village register kept by the putwarree. If the transfer takes effect, the mutation of names is made; but if the transfer is successfully resisted, no mutation of names takes place.

7. The careful observance of this course will not, however, as the Junior Member supposes, prevent the people from being "driven to the cumbrous process, which they now adopt," of seeking to complete the transfer through the instrumentality of the Civil Courts.

8. In fact, the functions of the Collector, and of the Civil Court, in the transaction are perfectly distinct. The Civil Court is called in to effect that which the Collector cannot bring about, or prevent; viz. the transfer of the property from the seller or the purchaser, notwithstanding the opposition of the coparceners.

9. Another question may then be raised, whether the present practice of the Courts is equitable. According to that practice, they assist the seller to transfer the property to the purchaser, notwithstanding the legal right of pre-emption possessed by the coparceners, and they refuse to admit any coparcener to plead his right in any stage of the process, either while the suit is pending, or, after the suit has been decided, in bar of execution of the decree.

10. The Lieut.-Governor has come to the conclusion that there is no sufficient ground for objecting to this course of procedure, and conceives that it cannot be altered except by an express enactment. Such a law cannot, however, be proposed without the existence of a strong case of necessity. It must be shown that the present practice is inexpedient and unjust, and that no sufficient remedy exists.

11. Now even supposing that the present practice involves a hardship on the co-parceners, they evidently have their

remedy in a civil suit claiming their right of pre-emption, which, if instituted immediately after the decree founded on the confession of judgment, may be held to avail to delay execution, whilst the suit to make good the right of pre-emption is pending. If this remedy is considered insufficient, the fault lies in the constitution of the Courts, which renders the necessity of resort to them a grievance, and not in the provisions of the law, which holds them competent to redress all wrongs of this description.

12. The Lieut.-Governor is disposed to think that the absence of suits to make good the right of pre-emption under the *Wajib-ool-Urz* affords some presumption that the hardships attendant on the present practice are not so great as the Collector of Goruckpoor supposes. His Honor is reluctant to propose any alteration of the law in this respect, till he receives stronger proof than has yet been adduced of the necessity for such alteration.

13. With these remarks the Lieut.-Governor leaves the question in the hands of the Board, and will be prepared to reconsider it, on any future occasion, when they may feel disposed to bring it forward.

I have the honor to be, &c.,

J. THORNTON,

*Secy. to Government, N. W. P.*

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**No. 17.**

**LAND TO BE APPROPRIATED ON THE SIDES OF  
THE GRAND TRUNK ROAD.**

No. 4247 of 1848.

*To the Secy. Sudder Board of Revenue,*

*North Western Provinces,*

*Agra.*

*Dated Agra, the 22nd August, 1848.*

SIR,

REVENUE DEPARTMENT, No. 216. Several orders have been issued of late regarding the quantity of land to be appropriated on either side of the Grand Trunk Road, both for

the better preservation of the road itself, and in order to prevent annoyance and loss to the people by encroachment on their cultivated area, in order to obtain earth for the roads, or for draining, &c.

2. The desired object has been more or less obtained in most of the districts through which the Grand Trunk Road passes, but it is believed that the work is still imperfect. Further exertions are necessary in order to complete the operation, and it is hoped that these will effectually be made during the approaching cold season.

3. In order that the wishes of the Government may be the better understood, the following recapitulation of what is required, will be found advantageous.

4. The quantity of land which the Military Board consider it desirable should be set apart for the road is fully explained in their Secretary's letter to the Superintendent of the Grand Trunk Road, No. 5275 of November 28th, 1847, and is thus concisely stated in their letter to Government, No. 2119 of June 30th, 1848. "A road for general traffic should be 30 feet broad. In addition to this, a clear space for slopes and berm of 40 feet on each side is required ; and beyond this should be excavations, of such width as may be requisite, but limited in depth to two feet.

5. The full extent of land should be set apart, whenever it is waste, or under ordinary cultivation ; but some relaxation of the rule will be necessary when the land on the side of the road is occupied by houses, or gardens, whether they be open or enclosed gardens of fruit or other trees, or whether they be the rich vegetable or tobacco grounds, which are found in the neighbourhood of most towns. In such cases, exceptions must be made, and the unnecessary sacrifice of valuable property must be avoided. Where the clearance of such land, and its appropriation to the purposes of the road, is necessary, special and fair compensation must always be made to the owners, over and above what is usual when land of an ordinary character is taken for public purposes.

6. The transfer of the land will not necessarily involve the transfer of the trees growing on it. They may remain the pro-

perty of the person to whom they belonged before the transfer of the land. If, however, the owner desires that they be taken with the land, or if the Executive Officer considers the removal or the retention of the trees, contrary to the will of the owners, to be necessary, a separate bargain must be made for them. Buildings and walls which it may be necessary to remove must similarly be the subject of separate bargain, and all fences or ditches which may be removed or injured by the Executive Officer must be repaired at the expense of the Government, if the owner require it.

7. Arrangements which have already been completed with the contemplated object need not be again opened, because they are found not to be in exact conformity with the rules now laid down. It is only necessary that there should be a precise record of the land which has been set apart, so that no doubt may hereafter arise in that respect. If the Executive Officer is of opinion that more land is necessary than has already been given, or if the Civil Officer sees reason to consider the remuneration already given inadequate, these cases may be specially considered, and a fitting arrangement made. If the Executive and the Civil Officers do not concur in opinion, the Commissioner of the Division may arbitrate between them; or, in extreme cases, a reference may be made to the Board, or eventually to Government.

8. The Civil Officer is responsible that remuneration be given with the least practicable delay for all property which is removed or destroyed. He will also be peculiarly careful that no demand for Land Revenue is made on account of land taken for the road.

9. It is necessary to remember that the Grand Trunk Road is designed to be a permanent national undertaking, and that frivolous objections or petty interests must not be allowed to stand in the way of those improvements in the laying out of the road, which will be of great benefit to the public at large, and will save the residents in the vicinity of the road from much annoyance.

10. This letter has been translated into Oordoo. 100 copies of the English, and 200 of the Oordoo, are forwarded for circu-



lation to the several Civil Officers on the road. Copies will similarly be furnished to the Military Board and to the Officers in the Executive Department.

I have the honor to be, &c.

C. ALLEN,

*Officiating Secy. to Govt., N. W. P.*

### NO. 18.

## RETROSPECTIVE DEMAND ON ACCOUNT OF ALLUVION.

No. 872 of 1849.

*To the Secy. Sudder Board of Revenue,  
North Western Provinces,*

*Agra.*

*Dated Agra, the 13th March, 1849.*

SIR,

REVENUE DEPARTMENT, I am directed to acknowledge the receipt of your letter, No. 88, dated the 23rd ultimo, No. 151. with its enclosures, requesting that Government will decide whether a demand for increased revenue on account of alluvion can have retrospective effect, and to what extent; and in reply to communicate the following remarks.

2. The alluvion land in Kishunpoor Khalsah is understood to have been in excess of the settled area. It was liable to assessment from the period claimed. The Board consider the present demand objectionable, because it was not made at the time, but is now put forward with retrospective effect.

3. The demand rests upon the principle that "by the ancient law of the country, the ruling power is entitled to a certain proportion of the annual produce of every beegah of land, excepting in cases in which that Power shall have made a temporary, or permanent, alienation of its right to such proportion of the produce." The right of the Government to its portion of the produce is as complete and indefeasible as that of any

V. Preamble to Reg. XXXI. 1803.

individual to his portion. If any individual appropriates the Government portion to himself, (or, in the language of the Regulations, embezzles it), he becomes liable for the amount in his person and his property. The mere fact of the demand not having been made at the time does not bar the right of the Government to recover the amount.

4. The demand of the Government may be resisted on the ground, 1st, that the land from which it is claimed is part of a settled estate; 2nd, that the alleged collections were never made. If neither of these pleas can be made good, the obligation to pay is evident, and the embezzler is liable in his person and property, although the land on which the balance accrued is not liable to sale for its realization.

5. If the embezzler be the Zemindar of the adjoining land, and therefore entitled to engage for this, he may, being conscious of his liabilities for the sum embezzled, compromise the matter by signing a retrospective engagement. Supposing the act to be entirely voluntary, there is no illegality in the transaction. In consequence of the engagement thus entered into, the land itself becomes liable to sale for the arrear which has accrued upon it.

6. From the statement regarding Kishunpoor Khalsah, in paras. 2 and 3 of your letter, it would appear that the Zemindar realized 50 Rs. per annum from the land for the three years from 1251-1253, and 100 Rs. from 1254-6, and that he has agreed to pay 25 Rs. per annum for the former, and 50 Rs. per annum for the latter period. There is nothing apparently inequitable in this agreement, nor are any sufficient grounds alleged for setting it aside.

7. The case of Heerapoor Deohee, to which the orders of December 20th, 1848 referred, was of the same nature, but much stronger. The Zemindar had entered into the contract and paid the money without objection, and it was proposed to refund the amount, without any sufficient reason for such an act of grace.

8. Each case then must be judged on its merits. The Zemindar cannot of course be compelled to agree to the retros-

pective settlement. If he refuses to enter into it, he continues liable to the demand retrospectively, whatever it may be, (say the actual nett collections, less 10 per cent. malikanah,) and the amount may be recovered in the usual manner. But if he agrees to it, he cannot claim annulment of the contract, simply because it is retrospective.

9. In the case of land held wrongfully rent-free to which the Board allude in para. 7 as analogous, it may be observed that the Government has voluntarily restricted itself from making any demand till after resumption in a certain legal form, and for six months subsequently. If after the expiration of the six months, the mafcedar or any other person embezzles the Government share of the produce, he becomes liable for the amount, and if he subsequently compromises the claim by a retrospective engagement for the land, there is no apparent objection to such a proceeding. That case is perfectly analogous to the supposed one of alluvial land.

10. In thus stating the law, the Lieutenant-Governor has confined himself to the legal view of the question proposed by the Board. If the Collector allows a just demand to remain for years unclaimed, he has undoubtedly neglected his duty, unless special reasons existed for the forbearance. In endeavouring to set himself right with the Government, he may commit harsh or unjustifiable actions, from which he should be restrained. Any such alleged facts must be examined and dealt with as may be right. Even the just right of Government should not be urged in a manner which will be unnecessarily vexatious, or injurious, to the individual.

I have the honor to be, &c.

C. ALLEN,

*Offg. Secy. to Govt., N. W. P.*

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## No. 19.

## MINT AT LAHORE.

## REMARKS.

*On the proposed Establishment of a Mint at Lahore.*

FINANCIAL DEPARTMENT 31st AUG. 1849. PROCEEDINGS, No. 89. There can be no doubt as to the policy of withdrawing from circulation in the Punjab all the foreign coin, and of replacing it by the Company's Rupees. The only question is, how this can be done with the greatest rapidity and cheapness as well as with the least disturbance of the monetary transactions of the country, whether by the establishment of a mint at Lahore, or by drawing the supplies of new coin from the existing mints at Calcutta and Bombay.

2. The Punjab does not produce silver, nor does it import it in any considerable quantities, except from the ports on the Indian seas, and therefore through the British territories. This may be presumed not only from the probabilities of the case, but also from the experience of the North-Western Provinces and of Bengal.

3. During the four years from 1842-43 to 1845-46, the Bullion received at the Agra Bullion Office was under three lacs of Rupees. So large, however, is the consumption of silver in Hindustan, that it appears from a printed Parliamentary return that, in the twenty-three years from 1814-15 to 1836-37, the

See report of the Select Committee of the House of Lords on the petition of the East India Company for relief, 1840.

balance of imports from foreign countries into the ports of Bengal, Madras, and Bombay, over exports, was above fifty crores of Rupees, or more than on an average two crores per annum. It may be presumed hence that Hindustan draws its supply of silver from foreign countries, through its ports on the Indian Ocean.

4. It is not easy to calculate the amount of money which is at any time current in a country, but the following facts may assist in the formation of a fair guess.

5. In Bengal, where the land revenue of three and half crores must bear a smaller proportion than elsewhere, to the total

curreney, we find that in the four years, 1835-36 to 1838-39, V. J. Prinsep in *Rushton's Gazetteer* a recoinage of less than five for 1841, Vol. I. pt. 1, page 148. crores was sufficient to substitute the new Company's for the old Sicea Rupees. In the North Western Provinces, during the twelve years from 1834-35 to 1845-46, in which time the Company's Rupee was generally substituted for the Furruekabad currencies, the remittances to Calcutta of uncurrent Rupees amounted to two crores, the Government Jumma being all that time about four crores, on an average. No very accurate conclusion can be drawn from the latter fact, but it is fair to conclude from both that the amount of coin in the North Western Provinces is not more than the Government Jumma of four crores.

6. It is probable that a considerable quantity of Company's coin has already found its way into the Punjab, and it is pretty certain that much of the curreney now in the Punjab will be melted down or hoarded, as it will be prized for the purity of the silver. The quantity of old coin which it will be necessary to convert into Co.'s Rs. will not probably be more than one and half crore; the land revenue being one and quarter crore.

7. The operation then has its limits. We have to enquire in what time, and at what cost, one and half crore of Rupees can be taken down, say to Calcutta, recoinied there, and returned to Lahore. We can then judge whether the operation can probably be better performed at Lahore.

8. As to time. It is about sixty marches from Lahore to Allahabad, the distance being 700 miles. We will allow then:—  
For the transport from Lahore to Allahabad, 3 months.

From Allahabad to Calcutta by steamer, . . . ½ „

\* J. Prinsep in *Rushton's Gazetteer* for 1841, Vol. I. pt. I. p. 143, foot note, states that the mint can strike off 30,000 pieces per diem, which gives fifty days for recoinig one and half crore.

For assay, recoinage,\* and package in Calcutta, . . 3 „

For transport from Calcutta to Allahabad, . . 1 „

For transport from Allahabad to Lahore, . . . 3 „

---

Total, 10½ mths. say a year.

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9. As to expence :

|                                                                                                                       |          |   |   |
|-----------------------------------------------------------------------------------------------------------------------|----------|---|---|
| Probable cost of carriage in Carts of $1\frac{1}{2}$ crore<br>from Lahore to Allahabad,.....                          | 31,500   | 0 | 0 |
| Batta for special escorts (supposing none to be<br>escorted by Regiments in route from) Lahore<br>to Allahabad, ..... | 21,450   | 0 | 0 |
|                                                                                                                       | <hr/>    |   |   |
| Total, .....                                                                                                          | 52,950   | 0 | 0 |
| The same for returning from Allahabad to<br>Lahore, .....                                                             | 52,950   | 0 | 0 |
|                                                                                                                       | <hr/>    |   |   |
| Total,.....                                                                                                           | 1,05,900 | 0 | 0 |
| Add for expences both ways between Allaha-<br>bad and Calcutta, roughly, .....                                        | 24,100   | 0 | 0 |
|                                                                                                                       | <hr/>    |   |   |
| Grand Total, charge,..                                                                                                | 1,30,000 | 0 | 0 |
|                                                                                                                       | <hr/>    |   |   |

10. This, on a liberal calculation, gives a charge of less than one per cent. for taking the whole currency of the Punjab to Calcutta, recoinng it there, and replacing it at Lahore, within the year.

11. I gather from J. Prinsep, in Rushton's Gazetteer for 1841, vol. I. part I. page 145, that the mint profit on its silver coinage is  $7\frac{1}{2}$  per cent., which would be 1,11,300 or the crore, half or very nearly equal to the entire charge. I know not how far we should be entitled to take credit for this, but it must exclude any possible credit for profit on the operations of the Lahore mint, over and above what might be realized at the Calcutta mint.

12. It seems to me very improbable that a mint could be formed at Lahore, and brought into full play, for so very small an operation as is required, so as to produce a coin at all comparable to the Company's coinage, at a total cost of 1,30,000 Rupees, and within any reasonable time. The assay of our coinage, and the accuracy of its weight, as well as the execution of the piece, are all points which require to be carefully guarded. It would be hazardous to run the risk of throwing into circulation an inferior legal currency from any local mint, hastily got

up to meet a particular emergency. It is impossible that any mint at Lahore could compete for some time, in quality of coinage, with the Calcutta mint, where all the resources of science have led to the highest attainable perfection. This was done I believe at Madras, without the agency of steam machinery, but not till after a long course of exertion, by one of the ablest Engineers in the country, Major J. T. Smith.

13. No safe deduction can be drawn from the practice of native States. They are not so nice in their assay as we are, their metal is far softer and more easily worked, and the execution is very rude. A rupee which will bear comparison with a Company's rupee is a far more costly article than a Nanuck-shahce rupee, though the quantity of silver in each may be the same. They have also to provide a constant supply of coin, and have not merely to perform a single operation, like that now needed at Lahore.

14. But in fact with a little care and attention the withdrawal of the native coin from circulation in the Punjab, and the substitution of the Company's rupee, will be found a far more rapid and easy operation, with the means now at hand, than would at first be supposed. I will proceed to offer some remarks on the mode in which it can best be effected; for it is needless to say that the operation of remitting the whole currency of the country to Calcutta, of which for the sake of illustration an estimate is formed above, will never be needed.

15. The cash balances must always be kept as much above what is necessary for the easy conduct of business, as is possible; the surplus being remitted in round sums as it accumulates. In the North Western Provinces we find, with an expenditure above ten crores in the year, that the cash balances need never exceed a total of two crores. In the Punjab a total of one crore, in all the treasuries, Civil and Military, should be ample, and all above that might be remitted for recoinage without delay.

16. The exchange is against Bombay from Calcutta, i. e. Calcutta has annually to send treasure to Bombay. It will evidently then be economical to send all the old coin from Lahore down the rivers to the Bombay mint, and to get up the

new coin from Calcutta. The Financial Secretary from Calcutta would despatch his coin directly he heard that the remittance had left Bombay, and in five months at the utmost it would easily be conveyed to Lahore; but this period might be much shortened by judicious movements of treasure, simultaneously along the whole line, or by bill transactions.

17. No native coin should be received at its intrinsic value, except the coin which was the legal tender of the Lahore Durbar at the time we acquired the country. All dead and foreign currencies should be received only as bullion, and that exclusively at the Office in Lahore, with the usual seignorage of one or two per cent.

18. All assessments, pensions, salaries, &c. should be stated in Company's as well as in the living native currency, so that money may be received, or paid, readily in either coin.

19. The Treasurers should be strictly prohibited from paying out the native living coin, so long as there is any Company's coin in the Treasury. Light weight, living, native currency, should be received at a fair discount, but should on no account be paid away again. There will be some difficulty in ensuring this. No sale or exchange of living coin for Company's coin should be allowed, except at Lahore, to avoid the risk of imposition.

20. When the Company's coin has become commonly current, a period may be fixed beyond which the native coins will only be received as bullion, either at Lahore or at certain fixed treasuries; but when this is done, every facility must be afforded for the free exchange of the native for the Company's coin, during the period which will elapse between the issue of the notification and the fixed date.

21. Mr. Greenway, the Assay Master at Agra, is under orders to proceed to Lahore, and will easily fix the standard for all exchange on the basis laid down. Our Treasuries in the North West, including the Punjab, are all well supplied, and the prospects of the season are good. Company's coin will be poured into the Punjab as fast as it can, and this will greatly be facilitated by as large cash remittances as can be made from Calcutta.



They will be compensated by remittances of native money for recoinage from Lahore to Bombay.

J. THOMASON,  
*Lieut.-Governor, N. W. P.*

**No. 20.**

**FINANCIAL ESTIMATE, N. W. P. FOR 1849—50, AND  
ESTABLISHMENT OF A MINT AT LAHORE.**

No. 59, A.

*To Sir Henry Elliot, K. C. B.*

*Secretary to the Govt. of India,*

*With the Governor-General.*

*Dated Head Quarters, the 31st Aug. 1849.*

SIR,

FINANCIAL DEPARTMENT, I am desired to forward, for the consideration of the Most Noble the Governor-General, the No. 90. annexed copy of a letter from the Accountant with its enclosure in original, being the sketch estimate for the year 1849-50.

2. The year opened with a Cash Balance of 1,43,96,594, and the Accountant considers that, in order to place the Finances on a safe footing, cash remittances will be required in the course of the year to the amount of Rs. 1,00,00,000, of which at least sixty laes ought to be despatched from Calcutta, with the least practicable delay. This is exclusive of what may be required in aid of calling in the Punjab coin.

3. The Lieutenant-Governor thinks the Accountant has under-estimated the Receipts, and over-estimated the Disbursements, and that a less cash remittance than he requires would probably suffice, if it be an object with the Bengal Government at present to contract their cash remittances. The following remarks will show on what grounds the Lieutenant-Governor rests his opinion.

4. There is no apparent reason why the Land Revenue should be less in 1849-50 than in 1847-48. The Cis-Sutlej Territory, and that in the Jul-

|                                                 |             |
|-------------------------------------------------|-------------|
| Actual Land Revenue Collections in 1847-48, ... | 4,91,68,261 |
| Estimated in 1849-50, ...                       | 4,88,00,000 |

Indur Doab, ought to yield more; and in the other parts of the country a favorable season affords promise of a full average amount of collections. It is probable that the receipts under this head will be larger in 1849-50 than in 1847-48.

5. Under the head of Debt, the Receipts from deposits are reckoned at Rs. 1,30,50,000, whilst the Disbursements are estimated at Rs. 1,41,00,000. The reason of this excess of eleven lacs on the side of Disbursements is not apparent, nor is it borne out by the experience of the three years 1845-46, 1846-47, and

|          | <i>Receipts.</i> | <i>Disbursements.</i> |                                 |
|----------|------------------|-----------------------|---------------------------------|
| 1845-46, | 1,27,87,917      | 1,15,98,158           | 1847-48, shown in the com-      |
| 1846-47, | 1,51,19,545      | 1,51,39,692           | parative statement. The entries |
| 1847-48, | 1,43,61,086      | 1,45,37,381           | on both sides under this head   |

might fairly be supposed to balance each other, or very nearly so.

6. Under the head of Bengal it is anticipated that only Rs. 50,00,000 will be realized by bills drawn on the General Treasury. This amount will depend of course on the rates of discount allowed, but if the moderate rates that prevailed in

|                              |             |
|------------------------------|-------------|
| Realized in 1846-47, .....   | 1,00,55,143 |
| 1847-48, .....               | 92,41,706   |
| Estimated for 1849-50, ..... | 50,00,000   |

1846-47 and 1847-48 be maintained, there is no reason why this sum should not be greatly

increased.

7. It is supposed that only Rs. 5,00,000 will be raised by subscription to the Loans. The sums raised from this source

|                               |           |
|-------------------------------|-----------|
| Subscriptions in 1846-47, ... | 15,42,400 |
| 1847-48, ...                  | 14,50,700 |
| Estimated in 1849-50, .....   | 5,00,000  |

in 1846-47 and 1847-48 were much larger, and looking to the present price of Company's

Paper, it may be hoped that more may be received than the Accountant takes credit for, if the five per cent. Loan continue open.

8. The Military Disbursements are assumed at Rs. 4,54,00,000, exclusive of 42,00,000 on account of the Bombay

|                |             |            |
|----------------|-------------|------------|
| 1845-46, ..... | 4,46,17,930 | Actual.    |
| 1847-48, ..... | 4,32,71,993 | Actual.    |
| 1849-50, ..... | 4,54,00,000 | Estimated. |

Troops. This is higher than the charge in 1845-46 and 1847-48. The Lieutenant-Governor has

not the means of testing this entry, but he is disposed to think it high, and would draw attention to it.

9. If the Lieutenant-Governor rightly understands Mr. Mansell's opinion as given in para. 17, it may be expected that

the Civil Receipts in the Punjab will exceed the Civil Disbursements by upwards of thirty lacks, or half the expected annual surplus revenue. But the Accountant has not taken credit for any Receipts from this source.

10. On these accounts it may be supposed that a smaller cash remittance from Calcutta than the Accountant mentions will be sufficient to meet the local expenditure. It must, however, be remembered that on the amount of the cash remittances will depend the possibility of withdrawing from the Punjab the old native currency, and of replacing it by the Company's coinage.

11. The Accountant considers that for effecting the operation it will be desirable to establish a mint in the Punjab. The Lieutenant-Governor's opinion to a contrary effect has already been expressed in the form of a memorandum demi-officially furnished to the Most Noble the Governor-General. A copy of this memorandum is now placed on record with this letter. Nothing which has since been ascertained has shaken the opinion therein expressed and His Honor is convinced that the change in the currency, can be more cheaply, more quickly, and more safely, effected by remittances from the Calcutta mint, than by the establishment of a new mint in the Punjab.

12. Of the great importance, in every point of view, of speedily effecting this object, there can be no question. Now that the local expenditure considerably exceeds the local receipts, no difficulty will be experienced in the operation. It will only be necessary that the local Treasuries be always kept so well supplied with the Company's coin, that there shall be no necessity for paying out the Nanakshahee, and other native coins, which may once be received. There seems good reason to suppose that the large cash remittance required by the Accountant will go far to effect this purpose, although he does not contemplate such a result. As the remittances from Bengal to Bombay

*Payments on account of Bills drawn by  
Bombay on Calcutta.*

|                  |           |
|------------------|-----------|
| In 1846-47,..... | 57,28,526 |
| „ 1847-48,.....  | 23,01,344 |
| „ 1848-49,.....  | 49,34,106 |

frequently amount to fifty lacs in the year, it will be advantageous to send from the Punjab to the Bombay mint, if it

be possible, that amount of native coin as bullion, for recoinage.

13. If the Most Noble the Governor-General sanctions this arrangement, and if the Calcutta mint is able to furnish the requisite amount of coin, it will be desirable that timely intimation be given to the Bombay Government of the method in which it is intended to make the remittances to them.

I have the honor to be, &c.

J. THORNTON,

*Secretary to the Government, N. W. P.*

### No. 21.

#### HEREDITARY PENSIONS.

No. 1957 of 1849.

*To W. Muir, Esquire,*

*Secretary to the Sudder Board of Revenue,*

*North Western Provinces,*

*Dated 5th June, 1849.*

SIR,

REVENUE I am directed to acknowledge the receipt of  
DEPARTMENT, your letter, No. 165, dated 17th April last, for-  
No. 53. warding reports from the local Officers on the  
subject of Hereditary Pensions.

2. An abstract statement has been formed in this Office, shewing the pensions which the several Collectors seem to consider as coming under Section 2, Regulation XXIV. of 1803. A copy of this statement is annexed to this letter, and the attention of the Board is requested to the observations of the Lieutenant-Governor as entered in the last column. His Honor requests that these cases may be subjected to further examination, and that the Board will furnish him hereafter with their opinion upon each, supported by copies of the former orders of Government upon which that opinion is founded.

3. The Lieutenant-Governor further observes that there are other cases, besides those entered in the accompanying statement, the nature of which is not sufficiently apparent from the papers forwarded with your letter under reply. It is here

intended to refer to those pensions, which are stated to have

| * District.   | Present incumbents. | Amount.   | Remarks of Collector.                                                                                                      |
|---------------|---------------------|-----------|----------------------------------------------------------------------------------------------------------------------------|
| Bareilly, ... | Ukhubur Yar Khan,   | 1,200 0 0 | These stipends are said to be held as grants in lieu of resumed Jagcers in Talooka Sirsian, Pergunnah Furrak, Zillah Agra. |
|               | Wahid Yar Khan,     | 1,200 0 0 |                                                                                                                            |
| Futtehpoore,  | Ruzza Hosen, .....  | 44 7 0    | Granted in lieu of resumed maafce lands.                                                                                   |
|               | Ditto ditto, .....  | 8 14 0    |                                                                                                                            |

been granted in lieu of resumed lands, but no information is afforded whether the commutation took place under the former Government, so as to bring it within the terms of Section 2, Regulation XXIV. of 1803, or under the British Government. Nor is it stated whether the pensions thus held have been sanctioned in perpetuity or not. As examples of the cases here alluded to, I am directed to specify those mentioned in the margin.\* Further inquiry must be made regarding these and all others of a like nature, before the desired object of compiling a correct list of pensions, coming under the section

above quoted, can be attained.

4. With regard to the question of purchasing up the existing hereditary pensions, it would appear from the several reports that this is not generally considered to be expedient or practicable. Mr. MacLeod, however, is of opinion that this course may be followed with advantage in Benares with respect to the pensions mentioned in Section 2, Regulation XXXIV. of 1795, and that many of the holders of these pensions will consent to relinquish them on the payment by Government of 100 rupees for every twelve rupees of pension, that is, for rather more than eight years purchase. The Lieutenant-Governor is accordingly pleased to sanction the offer of these terms to the present recipients of the pensions in question, and will be glad to know hereafter to what extent the offer has been accepted.

5. The original enclosures of your letter are herewith returned, to be resubmitted as far as may be necessary with the future communication expected on the subject. In returning

these documents, I am directed to observe that it would have been more satisfactory if the sufficiency of the information contained in them had been more clearly ascertained by the Board, before they were submitted to Government.

I have the honor to be, &c.

J. THORNTON,

*Secretary to the Government, N. W. P.*

**No. 22.**

**DEMARCATIION OF BOUNDARIES IN THE SAUGOR AND NERBUDDA TERRITORIES.**

No. 3824 of 1848.

*To the Secy. to the Govt. of India,*

*Foreign Department,*

*Fort William.*

*Dated Agra, the 17th July, 1848.*

SIR,

PROCEEDINGS With reference to the former correspondence  
26TH SEPT. noted in the margin, I am desired to forward  
REVENUE for the consideration of the Right Honorable  
DEPARTMENT, the Governor-General in Council the accom-  
No. 271. panying copy of a letter from the Sudder Board

Mr. Secretary Currie's letter, No. 34 of 11th Feb. 1817 with enc.

My predecessor's letter, No. 1389 of 25th March, 1817.

Your letter, No. 140 of 15th June, 1847.

My predecessor's letter, No. 269, A of 26th June, 1847.

Your letter, No. 167 of 26th July, 1817.

My predecessor's letter, No. 614, A of 27th Sept. 1817.

Ditto ditto, No. 4899 of 29th Dec. 1847.

Your letter, No. 10, dated 28th Jan. 1848.

of Revenue, dated June 30th last, No. 331, and its enclosures regarding the demarcation of boundaries in the Saugor and Nerbudda territories.

2. From these documents it is evident that a Mouzahwar settlement has been made without any precise determination

of the limits of each Mouzah. At the time of forming a lease for twenty years, evidently both parties to the contract must often have been ignorant of the primary element in the value of the lease; viz. the extent of the land leased. The uncertainty on this very important point must have tended most materially

to retard improvement, not only by preventing the lessees from occupying any debateable land, but also by promoting discord, affrays, and ruinous litigations.

3. This is but one kind of uncertainty attaching to the occupation of the land. Its remedy is only the preliminary to reaching a far more important question, viz. the extent of the right and interest possessed by each person connected with the land, whether as occupant cultivator, or otherwise. The Government have taken the first step towards creating a property in the land by limiting their own demand, but there they have stopped short. They have failed to declare the extent of the land on which their demand is fixed, or the parties in whose favor they have imposed the limitation on their own share of the profits.

4. The question of the "organization of agricultural industry" has lately engaged much attention in Europe, and cannot be regarded with indifference by any one who is concerned in the Civil Administration of this country. Whether it be better theoretically that the property in the land vest in the peasant cultivators, or in the large farmers on landlords, nothing can be more injurious to the prosperity of a country than to leave this point undecided. Till each person is assured that he will secure the full profits of his labour bestowed upon fixed conditions on a certain piece of land, it is contrary to reason and experience to suppose that he will put forth all his exertions to raise the greatest possible produce from that land. It is in vain that the Government liberally relinquishes its own profits for the public good, if it fail to specify who are the parties to profit by the liberality, and according to what rule each man is to profit.

5. The Lieutenant-Governor has some reluctance in urging this question on the Supreme Government, whilst he is unacquainted with their views regarding the time and mode of conducting the operations which he advocates. He finds himself at present, under the orders of July 26th, 1847, partially charged with a duty the importance of which he feels, and has publicly expressed, but he is not empowered effectually to prosecute the undertaking. If it be determined to withdraw it from his hands,

he has no desire further to interfere; but, if he be still considered in any way chargeable with the conduct of the measure, he trusts that, when appealed to as he now is, he may be excused for giving expressions to the opinions which he entertains on the subject. He cannot consider it a question of indifference when or how a measure shall be effected, which he considers essential to the prosperity of the country, and the welfare of the people.

I have the honor to be, &c.

C. ALLEN,  
*Officiating Secretary to Govt., N. W. P.*

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**No. 23.**

**TALOOKDAREE ALLOWANCE IN TALOOKAH  
JHARKEE, ZILLAH AGRA.**

**No. 1531 of 1850.**

*To William Muir, Esquire,*

*Secretary to the Sudder Board of Revenue,*

*North Western Provinces, Agra.*

*Dated Head Quarters, the 21st May, 1850.*

SIR,

REVENUE I am desired to acknowledge the receipt of  
DEPARTMENT. your letter dated March 26th last, regarding  
the Talookdaree allowance in Talook Jharkee, Zillah Agra.

2. It was not the Lieut.-Governor's intention, in my letter of June 5th, 1849, to re-open that question. The general principle on which all such questions are to be decided was laid down in my letter of January 17th, 1844, No. 222, and the application of the general rule to this particular case is contained in my letter No. 2335, dated June 3rd, 1845. Still the Lieut.-Governor observes that the present Members of the Board are opposed to the reduction of the Talookdaree allowance which has been enjoined in such cases, and he has no objection to



meet the question on its broadest grounds, whenever it is discussed in the temper and spirit evinced in your letter under reply.

3. The question which is propounded for consideration may be thus stated. In a Talookah, where a settlement has been made with the Biswahdars, and a Talookdaree allowance exceeding 10 per cent. of the total demand on the Biswahdars is assigned to the Talookdar, without any specification of the period for which such assignment is given, is the Government competent to resume any part of the Talookdaree allowance on the death of the Talookdar, within the period of the settlement? The Lieutenant-Governor has determined this in the affirmative. The Board appear to hold the negative.

4. In your 3rd para., the Board seemed disposed to rest the question on the opinions entertained by the respected individual who was at the head of the Government when the settlement was confirmed. It does not appear that his opinion was ever expressed on this particular question. It is not usual to determine such questions by the supposed sentiments of the persons in authority when they arose. It is sufficient that he here had an opportunity of pledging the Government to a decided course in this respect. He did not do so, and the question remains for determination on other considerations. The good faith of the Government must of course be upheld, if it can be fairly said to have been expressly or by implication pledged to any particular course.

5. The law does not fix any particular amount as the right of a Talookdar, when he is not permitted to engage with the Government for the Talookah. Clause 1, Section X. Regulation VII. 1822, merely provides that "*due provision* shall be made for securing his right;" and in Clause 2, Section V. of the same Regulation, when the amount is fixed for the Malikanah of proprietors excluded on account of recusancy, it is specially provided that Talookdars "shall receive only such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign." It was therefore in the power of the Government to lay down any rule it thought proper for the regulation of the amount of the Talookdaree allowance.

6. In the latter part of Clause 1, Section X., it is declared that the Governor General in Council is competent, in confirming the settlement of any Mehal, "to determine and prescribe the manner and proportion in which the nett rent or profit, arising out of the limitation of the Government demand, shall be distributed amongst the different parties, possessing an interest in the lands." But this provision is inapplicable to the case in question. The whole of the profit arising from the limitation of the Government demand was here given to the Biswahdars. They were the parties with whom the Government contract was formed; but of the sum which they agreed to pay, the Government of its will and pleasure determined to give a certain amount to the Talookdar, who was no party whatever to the contract, and was not consulted regarding it. "The due provision made for the rights of the Talookdar," required in the first sentence of the clause, was made in another form than that contemplated in the second sentence.

7. If the Government has taken engagements from the Biswahdars only for the amount which is called the Government Jumma, and left the Talookdar to collect for himself the amount of the Talookdaree allowance, the arrangement would have been of the nature contemplated in the second sentence, and no further demand could of course have been made during the term of the settlement. The terms of this second sentence of Clause 1, are apparently applicable to the arrangement made with the Talookdars in the settlement of this very Talookah, though the settlement officer has quoted Clause 2 of the same Section as his authority. It does not, however, appear that he made any sub-settlement with the Talookdars. He made the settlement with the Talookdar, and declared the Talookdars entitled to a lease at 20 per cent. above the Government Jumma. Supposing *that* to have been the arrangement, it was consistent with the terms of the second sentence of the 1st Clause, and of course no enhancement of the demand can be made during the period of the settlement.

8. It may, therefore, be held that neither on the terms of any contract which he entered into with the Government, nor under any provision of the Law, can the Talookdar claim the

continuance of the Talookdaree allowance beyond the term for which it was expressly conferred. It remains for consideration what right the grant conveyed.

9. It is evident from the whole tenor of this settlement of Talookah Jharkee, that it was formed on the model of that of Moorsaun. The assessment was computed in the same way, and the amount of the Talookdaree allowance is determined in the same manner. The indefinite sanction to the arrangement must, therefore, be taken with the same restrictions.

10. In my letter No. 222 of January 17th, 1844, it has been shown how the Talookdaree allowance in the case of Moorsaun was fixed at an amount calculated to cover the cost and risk of collection, and how the nature of the arrangement was afterwards changed so as to throw the cost and risk of collection on the Government, whilst the Talookdaree allowance remained unaltered. This Talookdaree allowance was fixed at no less than  $22\frac{1}{2}$  per cent. of the Government Jumma, and its grant was expressly limited by the Government to the duration of the life of the Talookdar, leaving it open to reconsideration on his death within the term of settlement. It was further shown how, on an examination of the calculation on which the settlement of the Biswahdaree and Zemindaree villages was based, it was fair to assume 10 per cent. of the Jumma as "the due provision for the right of the Talookdar," and the remaining  $12\frac{1}{2}$  per cent. as designed to cover the cost and risk of collection, but liberally relinquished by the Government to the Talookdar during his lifetime, after it had taken on itself the cost and risk of collection. In determining this 10 per cent. to be a heritable and transferable property, the Government of the day put upon the act of the former Government a construction equitable in itself and consistent both with the declarations of the law in cases somewhat similar, and with the spirit of the whole arrangement.

11. Wherever therefore the Government, acting on the same model, has made no declaration indicative of a contrary determination, it is fair to construe the act in the same way.

12. Opinions may differ as to the allowance which should be made to a Talookdar when he may be excluded from the

management of the Talookah. An allowance of 22½ per cent. on the Jumma was certainly liberal, and more than the law ever contemplated when the sole and entire proprietor of an estate was either continued in its management (V. Clause 2, Section 7, Regulation VII. 1822) or excluded from it (V. Clause 2, Section 5.) But the duration of this liberality was expressly limited to the life of the grantee. It rested with the Lieut.-Governor to determine what should be the amount on the death of the grantee, and on what terms it should be held,—in fact, to place a fair construction on an ill-defined and complicated arrangement. He has done so with full advertence to all its features. He has viewed the question as one of justice and equity, not of liberality. If those, with whom the ultimate decision of all such questions must rest, consider that the liberality shown to the first grantee should be continued to his heirs, they are free to do so. But till such is their declared resolution, the Lieutenant-Governor does not feel himself warranted in deviating from the rule which he has already laid down.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Govt., N. W. P.*

#### NO. 24.

### REVISION OF SETTLEMENT IN TALOOKA KUNDHUR IN SHAHJEHANPORE.

No. 641 of 1851.

*To William Muir, Esquire,*

*Secretary to the Sudder Board of Revenue, N. W. P.  
Agra.*

*Dated Head Quarters, the 25th Feby. 1851.*

SIR,

REVENUE DEPARTMENT,  
No. 233. I am desired to acknowledge the receipt of your letter No. 522 dated October 25th last, reporting the completion of the record of rights

in Talooka Kundhur, Pergunnah Jellalabad, Zillah Shalajehanpore, and the partition of the land amongst the sharers by the Deputy Collector Mr. J. R. Barnes, under the direction of the Collector, Mr. Buller.

2. The Lieut.-Governor has perused these proceedings with much gratification, and considers them most creditable to Mr. Barnes. There seems every reason to hope that the dissensions which have hitherto distracted this Rajpoot community, are now terminated, and that they will cease to exercise a prejudicial influence on the prosperity of the people. There cannot be a stronger proof of the benefit arising from the operations than the fact lately brought to the Lieut.-Governor's notice on his visit to the spot, as he passed through the district, that numerous other Rajpoot communities in the neighbourhood have united in requesting that a similar record may be made and partition effected of their villages, and that they have advanced the necessary funds for the purpose.

3. It is understood that the partition which has now been effected maintains the possession of the several coparceners in the fields they have hitherto cultivated, wherever situate. The properties are thus greatly intermixed. It would be an evident advantage if the fields allotted to each person were situated together, so that each property might be compact. Rivals would thus be further removed from collision with each other, labour would be economised, and each man, taking up his residence in the midst of his own property, might conduct his cultivation with greater skill. This, however, can only be effected with the consent of the parties concerned, and it is well known that the jealousies which always distract the large Rajpoot communities offer a serious impediment to any such re-distribution of the land. Still the object should be sedulously kept in view. The advantages of the measure may be stated; modes of effecting it may be discussed; difficulties may be met and removed. It is known that an influential minority in Kundhur advocate the measure. If the whole body can be won over to concurrence, encouragement should be given to its accomplishment. The best encouragement would perhaps be for the Government to bear the expense of the reconstruction of the record. This will



nearly balanced, and long protracted antagonism distracts the brotherhood. It becomes necessary to provide the means for legally terminating the disputes. The usual process in the Dewanny Courts is found inefficient for bringing to a satisfactory termination the numerous intricate questions which arise; but the process under Regulation VII. 1822, which has been effectual in Kundhur, may be adopted elsewhere with equal success.

6. It is well known that similar operations are much required in the Rajpoot communities which exist in other parts of Rohilkund and all over the country. It is essential to their right government that their constitution be understood, and the mode of adjusting their disputes be comprehended. For this purpose, Mr. Barnes should be encouraged to place on record more in detail than he has yet done the nature of his proceedings. One Mouzah in the talooka should be selected. The field map should be constructed on a convenient scale. By reference to it the disposition of property before the commencement of the operations should be shown, the disputes arising out of that state of property should be explained, the arguments by which these disputes were accommodated should be stated, and the final redistribution of the property after the adjustment should be made clear by a second reference to the field map. The proposed Memorandum would in fact be an exemplification of the statement contained in para. 24 of Mr. Barnes' report of May 31st, 1850. The defects of the former settlement would be explained, the nature of the remedy shown, and the mode of applying the remedy would be detailed. A clear and succinct Memorandum of this nature would be most valuable, and would greatly facilitate the conduct of similar proceedings in other parts of the country. It will give the Lieut. Governor much gratification to receive such a Memorandum from Mr. Barnes.

I have the honor to be, &c.

J. THORNTON,  
*Secretary to Govt., N. W. P.*

## No. 25.

## FOREST DUES BELOW THE KUMAON HILLS.

*Memorandum regarding the levy of Forest dues along the foot of the Kumaon Hills.*

*Dated 10th February, 1851.*

REVENUE        The levy of these forest dues in some districts  
DEPARTMENT, along the foot of the hills had for a time been

No. 71. discontinued, but was resumed a few years ago, because it was found that their discontinuance had afforded no advantage to the people, but had given rise to disputes, and groundless claims to Sayer rights, which were in reality destitute of foundation. It was therefore determined to re-assert the right of the Government to all spontaneous products from unappropriated tracts of land. In order the better to ascertain the value of these rights, and to regulate their levy, the whole are now held kham. This involves the necessity of some arrangement and concert between the authorities of Rohilcund and Kumaon, on both sides of the boundary line.

2. The forest dues are of two kinds :

*First.* Those which are levied at certain points in the forest throughout its extent, such as the pasturage dues from cattle, levied at the enclosures (goths) where they are herded by night, and the dues upon chunam and catechu (Bhuttee Koyrar), which are levied at the places where these items are manufactured from the limestone and khyr trees.

*Secondly.* Those which are levied on the removal of the articles of produce from the forest along the usual routes ; such as the dues from timber and wood of all sorts, from bamboos and wax, honey, charcoal, and lac, &c.

3. These two classes of dues require different modes of management. The former must evidently be collected by the Collector of each district within his own boundaries. The latter partake more of the nature of custom duties, and as the levy is only upon articles passing from the hills to the plain country, it should take place only once on each line wherever it can be most easily realized. Some special provisions regarding the latter are therefore requisite.



4. *First.* In the traet between the Surdah and the Sookhee, there is a considerable traet of jungle waste, in the district of Pillibhct, as well as in Kumaon. The lines of communication also converge from the hills to the plains. The dues then on the articles taxed on transit can be most easily levied in the Pillibhct district. An arrangement to this effect will therefore be concerted between Captain Ramsay and Mr. Drummond.

5. *Second.* Between the Sookhee and the Kosillah, opposite to Pergunnahs Kilpooree, Roodnrpoor, Gudderpoor, and Bazpoor, there is scarcely any jungle traet in the Bareilly and Moradabad districts. The divergence of the road from the mountain passes, and the position of the Rampoor Jaghire, all render it desirable that the levy on articles in transit remain, as at present, in the hands of the Kumaon authorities, at convenient points along the foot of the hills, and that no such levies take place in the plains. Care must be taken to connect this line with the preceding on the Sookhee river, so as to prevent the escape of articles between the two.

6. *Third.* North of Kasheepoor and Thakoordwara, in the Moradabad district, some difficulty exists: The main levy is made at the foot of the hills by the Kumaon authorities, but there is a valuable forest traet at Seonathpoor, in Juspoor, which requires care. It is believed that the best course would be to close this traet till the timber has acquired some growth. On this understanding, the Collector of Moradabad should abstain from levying any such duties, and direct his attention to closing the forest, prohibiting the cutting of wood, and blocking up the approaches. Information, however, on this point is defective. It is hoped that the survey now in progress will throw light on the subject. Meanwhile the dues may be levied as heretofore by the Hill authorities, and the Collector of Moradabad will be careful not to interfere with those goods which have already paid duty in Kumaon. He will also entirely abstain from the levy of such dues in his district, unless, on further enquiry, he finds their retention on this portion of the frontier just and necessary. In that case, he will concert with the Senior Assistant in Kumaon for the discontinuance of the present levy, and its removal to a line further south.

7. *Fourth.* In the Bijnore district the levy of all forest dues is entirely in the hands of the Collector of that district. The Assistant in Garhwal has no establishments or posts, at the foot of the hills, which could manage such collections. This item of revenue is now considerable, and is well collected by Mr. Dick, the present Collector of Bijnore. No change in the existing system is requisite.

8. The rates to be levied require consideration. On the tracts between the Surdah and the Sookhee, Captain Ramsay and Mr. Drummond advocate different scales of rates, that of the former being the higher. Captain Ramsay's scale seems best to correspond with that which prevails in other parts of the line, and is therefore authorized.

9. The exemption from payment of articles which produce little, such as drugs, lac, dyes, &c. and the permission for the free export of head-loads of the more bulky articles, such as wood, grass, &c., all require consideration. As regards the former it may be observed that no one, besides the Government, has any right to the spontaneous products of the soil. No hardship or injury is inflicted on any person by the levy, nor do the articles appear to be of any commercial importance. It is desirable to maintain a right, even if only for the exclusion of other claimants. As regards the latter point, the poorer classes in the neighbourhood of the Chokees should be allowed the privilege of carrying head-loads for their own consumption. It would be unjust and oppressive to prevent this. But the exemption of head-loads from payment of the dues must not lead to evasion of payment, wherever it may rightly be demanded. Probably there will be no practical difficulty in the arrangement of this point. No change in the practice hitherto observed in these respects should be made without explanation of the grounds, and a reference to the Government, further than that, as above stated, the poorer classes are to be exempted from the payment of duty on head-loads for their own consumption.

10. The levy of these Forest dues has been authorized by the Government, more for the assertion of its just rights, than with a view to financial returns. It is bound so to adminis-

ter the system as most to profit the public. As regards the timber, evidently the receipts of the Government will be increased and the good of the country will be promoted by the formation of roads through the forests, and by thus laying open those tracts where good timbers are to be found. There is every reason to believe that the direct management of these Forest dues, now assumed by the Government, will lead to a considerable increase in the Revenue derived therefrom, and will thus afford a fund for still further developing the resources of the country.

11. Assuming, as a standard, the average of the three years before the commencement of the direct management (Kham Tehseel), all the surplus receipts above that sum in any year may be held available for improving the roads through the forest lands, so far as means are available, provided that no accumulation take place. For this purpose again, special rules are necessary for each section of the line.

12. Between the Surdah and the Sookhee, the surplus net collections will be divided into five parts, of which one will be held by the Collector of Bareilly for the improvement of the roads through his portion of the forest, and the remaining four parts will be paid over to the Senior Assistant in Kumaon, for opening out the forests in his portion of the tract.

13. Between the Sookhee and the Gurhwal frontier, all the surplus collected by him will be held by the Senior Assistant of Kumaon available for the opening of roads in his forests. Any surplus which may be obtained by the Collectors of Bareilly and Moradabad, in their districts, will be similarly held available by them.

14. In Bijnore, Mr. Dick is well known to be most active in opening out his forest tracts, and in devising machinery for sawing up the timber to the greatest advantage. The funds now placed at his disposal for these purposes will further his views.

15. The Commissioners of Rohilkund and Kumaon will charge themselves with carrying out these instructions in their respective jurisdictions. They will report annually on the receipts and expenditure of the whole line during the season, as

soon as possible after its close. They will cause the surplus proceeds of each year, that remain unexpended in the following year, to be carried to the credit of Government under the head of Profit and Loss, so as to prevent any accumulation of funds.

16. This arrangement was made at Khera near Bhamowree on January 10th, 1851 in the presence of Mr. F. H. Robinson, Junior Member of the Sudder Board of Revenue, the Commissioners of Rohilkund and Kumaon, the District Officers in Kumaon, Bareilly, and Moradabad, and the superintendent of Irrigation in Rohilkund. Copies of this Memo. will be furnished to the Sudder Board of Revenue, and to the Commissioners of Kumaon and Rohilkund, for their information and guidance, and for communication by the latter to their subordinates.

J. THOMASON.

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### No. 26.

## MEMORANDUM ON PERGUNNAH BAZPOOR.

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| REVENUE<br>DEPARTMENT,<br>11th FEB. 1851, | 1. Pergunnah Bazpoor has been held Kham since June 1849. During the first year, viz: 1849, 50 or F. S. 1257, most of the villages were farmed, and the collections somewhat exceeded 20,000 Rs., which is the recorded Jumma paid by the late farmers. Now the Collector has taken farming engagements for 52 villages, from which Rs. 14,607-4-6 were realized. The total of the farming Jummas is for 1258, 15,185 Rs.; for 1259, 15,295 Rs.; and for 1260, 15,530 Rs. There is every likelihood that the whole amount will be realized for the current year, and with a few exceptions, the leases will be profitable. The farmers are believed to be men of substance, and have generally given good security, either on their own property or collaterally. If they neglect their estates, so that the land falls out of cultivation, and the villages are likely to be thrown on the hands of Government, in a worse state than that in which they were received, it will be advisable to allow them to throw up their farms. Farmers resident on the spot might be allowed to resign at any time, but those who are substantial men and reside |
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at a distance should be allowed to resign only at the commencement of the agricultural year. The Collector should exercise his discretion in the acceptance of resignations, being cautious to avoid forcing people to hold on at a loss.

2. The remaining 56 villages, which last year paid Rs. 5,959, are this year held Kham. Some of them are profitable, and others are worthless. They have suffered in some degree during the late Khurreef, and though the prospects of the Rubbee are good, yet the full Jumma is not likely to be realized.

3. The Survey of the Pergunnah is now commencing. This Survey will shew the village boundaries, and all the Geographical features, especially those connected with irrigation, such as the rivers, hunds, gools, and jheels. The village plans on the scale of 4 inches to the mile will be given, and also the Pergunnah Map. Bench-marks should be erected and shewn in the maps, and lines of level should be run through the Pergunnah, as in the adjoining Kham Pergunnahs in Bareilly.

4. The following measures may facilitate the improvement of the Pergunnah.

5. *First.*—The Collector, with the sanction of the Board and Government, is authorized to confer the Zumindaree right on the present farmers, at the same Jumma as the present, for the remaining period that the settlement has to run in the rest of the district, i. e. till 1st July, 1872 A. D., whenever he is of opinion that they have exerted themselves to improve the villages, and that they are likely to value and profit by the right. The gift, of course, conveys nothing more than the ordinary Zumindaree rights to the Mal and Sayer, the absolute and general right of the Government to regulate the irrigation and dispose of the water of the rivers to the best advantage remaining untouched, as it always has done. Whenever this Zumindaree right is given, care must be taken to specify on whom the right is conferred, and to define all shares, incidents, and responsibility attaching to the tenure.

6. *Secondly.*—Every exertion should be made to drain the jheels and marah lands, and to supply water for irrigation on the most favourable terms, and to the greatest possible extent. Mr. Wilson, the Collector, considers that he is himself able to do

this, without any assistance from Captain Jones, who has full employment at present in Gudderpoor, Roodnrpoor, and Kilpoory, and could not easily turn his attention to this Pergunnah.

7. *Thirdly*.—The unhealthiness of the climate is the great impediment to the settlement of cultivators. Something may be done towards the alleviation of this evil, by affording medical assistance to the people, and improving their residences. There has long been an intention to establish a Dispensary at Moon-deca, and the building has been commenced from the donations of individuals. This must now be completed by the Government, and the establishment be maintained from the Kham collections. The Thannah at Moondeca or Allahpoor, and Chowkies at Borsinee, Kelakherah, and Jungee Khan-ke-Murreeah or thereabouts, should also be constructed substantially and well raised, so as to afford accommodation at night to any Government servants who may be employed in the vicinity. It is intended that the Thannah should be in the same building as the Dispensary. The Chowkie at Borsinee should be larger than the other two, and may cost 500 Rs., whilst the others can be built for 300 Rs. each. These expences may be charged in the Magistrate's contingent Bills.

8. With a view to save the inhabitants from the effects of malaria, two plans have been proposed, and both are deserving of trial. At Numoonahpoor, near the 35th mile stone from Moradabad on the Nainee Tall road, it is proposed that the residences of the inhabitants should be surrounded by a wall 12 feet high, and for this bricks have been prepared. At another village near the 37th mile stone, the houses will be raised on piles. It is not easy to estimate the cost of these two experiments. The expense is sanctioned, and the charge may be debited against the Kham collections.

6. The Government, having taken on itself the administration of this Pergunnah, must be careful to fulfil all the obligations which are usually considered as attaching to the proprietors of the land. Not only must the contribution of 1 per cent. on the Jumma, amounting to 200 Rs. per annum, be regularly paid, and land be given rent free for the support of the village Police, but liberal arrangements must be made to encour-

age the cultivators, and to relieve them, so far as human skill can do so, from the effects of the climate, to which they are exposed. Especially must provision be made for the safety and comfort of the Government servants employed in the Pergunnah. It is in this spirit that the preceding arrangements have been framed. Many circumstances now are favorable to the success of the Kham management. A good road has been opened through the Pergunnah which affords facilities for the export of its produce, and the establishment of the settlement at Nainee Tall not only provides a ready market for its agricultural produce, but also affords profitable employment for its carts and cattle, and retail dealers. Any surplus which may arise under the Kham system, over and above the former jumma, may also be devoted to the opening out of other new roads to neighbouring markets in every direction. A road East and West, from Rooderpoor to Kasheepoor, is likely to be of much benefit. There is good reason to hope that, if the energetic measures entered upon by Mr. Wilson, the Collector, are steadily and consistently pursued, the result will be beneficial to the people and remunerative to the state.

10. This memorandum has been drawn up after personal conference with Mr. F. Robinson, Junior Member of the Sudder Board of Revenue, Mr. Pideock, the Commissioner of Revenue, and Mr. J. C. Wilson, the Collector. Copies of this memorandum will be sent to those officers for their information and guidance, and the necessary intimation will be made to the Deputy Surveyor General, and the Surveyor, and to the Civil Auditor.

J. THOMASON.

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## No. 27.

## TOTTIER LANDS IN MORADABAD.

*Memorandum regarding the Toteer Mafce lands in Moradabad.*

*Dated 12th February, 1851.*

REVENUE. The documentary evidence on which the Mafce Daryas or tenures in Moradabad are held seems to be defective. In very few cases are the deeds in existence, under which the tenures were first created. Soon after the cession, certain registers were formed, more or less complete, in which were entered, on the showing of the Mafcedars, the names of the villages, the area of the grant, and the nature of the tenure. Whenever these tenures so registered were found on investigation to have been held uninterruptedly rent free for a sufficient period, they were released, as sanctioned by prescription. A question has now been raised whether the decree, confirming the rent-free tenure, was intended to exempt from assessment all the land held by the Mafedar, or only such extent of land as appears, in the Register, to have been claimed by him at the time on his own showing. In some cases, this seems to have been determined long ago, and either the whole lands declared exempt from assessment, or the land in excess of the registered area resumed and assessed. No consistent rule seems to have been laid down or followed in these cases, and it can only be said respecting them, as respecting many other Mafce questions throughout the country, that no case can now be re-opened which is not proved to have been illegally or unjustly disposed of. During the long period that the investigation of the rent-free tenures has been in progress, the practice of the local Government has varied. Sometimes the resumption laws have been strictly enforced, sometimes they have been greatly relaxed. It is impossible now to review all the past cases and to apply precisely the same rule to all. What has been now finally disposed of must remain as it is, and it is only necessary in any questions that are still pending to proceed with caution, and to assume fair and equitable principles. One of these questions is the present, as to the meaning to be at-



tached to existing decisions, wherever there is no clear declaration as to the extent of land declared free from assessment. The question has arisen in carrying out the orders of the

V. Appendix, No. XVIII, Directions for Collectors. Hon'ble Court of Directors dated April 21st 1811, for the formation

of a correct Register of rent-free lands, and for giving certificates to the holders, so as to secure the tenures from future uncertainty. In doing this, it has been necessary to specify the extent of land assured to the holder, and the doubt has arisen whether it was intended by the decree of confirmation to release the whole land in the possession of the Mafcedar, or only a certain portion claimed by him at the time of first registration as specified in the decree.

2. This was a question which the Collector was perfectly

See the correspondence recorded with the orders of Government dated Sept. 25th, 1815 especially the Collector's letter of July 12th, 1815.

justified in raising. He has done his best to procure specific rules for his guidance, but has not hitherto been successful. The ques-

tion must now be finally set at rest.

3. It is notorious that at the time of registration of the Mafec tenures, no measurement of the lands took place. The entries of area in the Register were made at random. It is true that they were made by the Mafcedars themselves, and therefore form some indication of what they themselves considered the extent of their tenure, but when the boundaries of Mouzahs were not defined, and no exact measurement existed, errors were likely to arise. Accordingly when at the time of settlement under Regulations VII. 1822 and IX. 1833, the boundaries of all Mouzahs were defined and the lands accurately measured, it was found that the areas of some were more and of some less than the entries in the Register. Taking the total of some classes, as for instance of all the Mafecs held by the Umrohah Seyuds, it was found that the total number of Bccgahs in their possession was less than the total of the registered area. Under these circumstances it would be harsh to give them no more than the registered area when they are found to hold land in excess, and to refuse them the excess when they are found to hold less than the registered area.

4. It is understood that the decrees releasing whole Mouzals from assessment generally open with a copy of the entry in the Register, mentioning the name of the Mouzah, and the extent of the land. The decree releases the whole Mouzah according to the above specification. In such and similar cases, when no part of the village is Khalisah, and more especially if all the surrounding villages be Mafee, the specification can only equitably be viewed as explanatory and redundant. It cannot be considered as restrictive. The whole Mouzah whatever be its now ascertained area, should be at once declared free of assessment and entered in the new Register according to its existing boundaries.

5. If, however, the tenure be a certain fraction of a Khalisah Mouzah, or a holding of a specified extent in a Khalisah Mouzah, and that fraction or that number of beeghas out of the whole area is released, it becomes a fair question, whether any excess above the registered area be not open to assessment. Perhaps the only ground, on which the claim can be resisted, is that a competent authority had actually assigned the portion now in possession of the Mafeedar, within the present limits, as the proper extent contemplated by the grantor. It is not known whether many cases of this nature exist. But if they do, it is right to provide some course of proceeding for their investigation and decision. The more precise and formal this course may be, the less open it will be to objection.

6. Following the analogy of cases where the decree of the Commissioner's Court as to the hereditary nature of a tenure is ambiguous, it seems unobjectionable to submit the question of the liability to assessment of the land held in excess, to the issue of a new trial under Regulations, II. 1819 and III. 1828; whenever, therefore, the Collector finds that a Mafeedar holds a portion of a Khalisah village in excess of the fraction of the whole or the specified number of beeghas released to him by the Courts for the investigation of rent-free tenures, and there is reason to suppose that no sufficient reason exists for the exemption from assessment of the excess, he will bring the case on his file, and try the issue according to the established rules, liable to appeal before the Judge, who exercises the powers of a special Commissioner.

7. These rules are not to be held applicable to any cases which have already been finally disposed of by the Government. But they are to be strictly followed in all cases now pending, and wherever the arrangements made by the Collector have not received the confirmation of the Government. If, in such cases, land has been resumed and assessed in contravention of the principles here laid down, it should be released, and the collections refunded. The new Mafee Register and the certificates of confirmation are to be compiled on the principle asserted.

8. The Sudder Board of Revenue will see to the execution of these orders, and are authorized to direct the refund of all collections made contrary to these orders.

9. The conclusions now determined on, were fixed after a conference held at Moradabad on December 31st, 1850, with Mr. F. H. Robinson, Junior Member of the Sudder Board of Revenue, Mr. H. Pidcock, Commissioner of the Rohilkund Division, Mr. J. Lean, Judge and Special Commissioner, and Mr. J. C. Wilson, Collector of Moradabad. Copies of this Memorandum will be sent to the above officers for their information and guidance, and information will also be conveyed to the offices of Account and Audit of the authority vested in the Sudder Board of Revenue to sanction the refund of disallowed items of revenue.

J. THOMASON.

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### No. 28.

## SURVEY OF A PORTION OF BAREILLY.

*Memorandum regarding the Survey of the Northern Portion of Zillah Bareilly.*

*Dated the 13th February, 1851.*

|                                   |                                                                                                                                          |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| REVENUE<br>DEPARTMENT,<br>No. 99. | 1. It is necessary to note down with precision the work to be done by Licut. Vanrenen's survey in the northern parts of Zillah Bareilly. |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

2. The Survey of Pergunnahs Jehanabad, Richah, Kaubur, Sirsawah, and Chowmchlah, has been completed, and the maps

are understood to be sufficiently accurate for the purposes required. But they are defective in not showing the benchmarks of the levelling circuits, and in not giving fixed points, which can be easily taken up by Captain Jones, in any other surveying or levelling work which he may hereafter execute and desire to insert in his map. This defect must be remedied.

3. The maps of the three Kham Tehsil Pergunnahs of Guddurpoor, Roodurpoor, and Kilpoory, are completed, but their accuracy is not yet satisfactorily ascertained. The difficulty of surveying this country is very great. The work must be persevered in till it is well done. The Government has set itself in earnest to improve these pergunnahs. The accurate delineation of the country is essential to their improvement. The benchmarks and other permanent marks have also to be inserted.

4. A village survey of Pergunnah Namukmuntah has been once made, but should now be done over again in a style similar to that of the Pergunnahs mentioned in para. 2.

5. Pergunnah Bilherce was originally surveyed in one. A village survey of it must now be made. The village boundaries are all marked off. There remains a considerable tract of unappropriated waste. The limits and extent of this must be accurately shown and all the natural and topographical features of the country delineated, such as roads, rivers, gools, forest, open glades, &c. Fixed marks must also be inserted, which may be taken up by other surveyors hereafter. The waste-land need not be divided into allotments.

6. In Pergunnah Pillibheet it will be necessary to proceed as in Pergunnah Poorunpoor, Subnah, Zillah Shahjehanpoor. The Government waste must be separated from the settled villages and then divided into allotments. The rest of the Pergunnah need not be surveyed. Permanent marks must be shown in the map with the same care here, as elsewhere.

7. The boundary line between the province of Kumaon and the Zillah of Bareilly is about to be readjusted, and permanently marked by masonry pillars which will be numbered. This line with its pillars and their numbers must be shown in the map. Between the Surdah and Sookhee river, and again between Tan-

dah on the road from Bareilly to Bnmonree and Hntsaon on the Bhore river, the new line will differ in some degree from that which existed hitherto.

8. The Bhabur lands up to the foot of the hills will need to be surveyed. Through the forest it will only be necessary to lay down the intersecting lines of roads and rivers; but wherever, as at Kaledoonghee, Huldwanee, Chowgullea, Birmdoo, &c. there are cultivated and inhabited villages, these must be surveyed in the usual style of the revenue survey. Thakbust maps of all villages will be furnished by the Senior Assistant in Kumaon, Captain H. Ramsay.

9. Some lines of levels must be run both north and south, and also east and west through this Bhabur tract, in such directions as may be found most convenient. It is understood that this has already been partially done. The bench-marks, and all permanent marks, must be shown in the maps.

10. As regards the whole of this survey, nothing is more important than that permanent marks be shown in all the maps, from which a start may be made in all future surveys, or lines of levelling, of which many are likely to be taken. Artificial bench-marks, puckah wells, tombs, mnts, &c. are the most evident marks of this sort of which the position should be determined, and the sites shown in the map. The proposal to mark conspicuous trees, especially those on the boundary lines, by blazing and notching them, and surrounding them with a ditch is very deserving of adoption. All trees so marked should be distinguished in the map by some appropriate symbols. It is conjectured that many permanent marks were surveyed and noted in the field-books, but are not shown in the maps. If this be so, the defect may be readily supplied. If not, immediate steps must be taken by the Surveyor to supply the want in the Pergunnahs already surveyed. Delay is fatal; for all the usual survey marks are rapidly defaced in this country of rank vegetation and scanty population. The cordial spirit of co-operation which now happily prevails amongst all the officers concerned in this undertaking will greatly facilitate the accomplishment of the desired end. Captain Jones is prepared to furnish Lieutenant Vanrenen with lists of all the marks which he wishes to be

shown in the maps already prepared. These should be inserted without delay.

11. In all subsequent propositions regarding this survey, it is most important to bear in mind the difficult nature of the country, and the natural obstacles to rapid and accurate surveying. The efficiency of the survey must not be tested by the number of square miles surveyed in the season, but by the style of the work given in. Something more is necessary than satisfies the ordinary requisitions of a Revenue Survey. No persons are better able or more willing to do all that is requisite than the officers now employed on the work, but they must not attempt to slur over the work, from any mistaken notion, that it is necessary to complete within the season an area of some fixed extent, which elsewhere, and under other more favorable circumstances, they may have been able to perform.

12. Copies of this Memorandum will be sent to the Sudder Board of Revenue, to the Commissioners of Rohileund and Kumaon, to the Deputy Surveyor General and Lieutenant Vanrenen, and to Captain Jones.

J. THOMASON.

## No. 29.

### BOUNDARY BETWEEN KUMAON AND ROHILCUND.

*Memorandum regarding the boundary between the Provinces of Kumaon and Rohileund.*

*Dated the 14th Feby. 1851.*

REVENUE DEPARTMENT, No. 132. 1. Now that Lieut. Vanrenen's party is engaged in surveying the northern portion of Rohileund, it is desirable that fixed arrangements be made regarding the boundary between the provinces of Kumaon and Rohileund.

2. The better to do this it is necessary to divide the whole line into sections proceeding from east to west, and separately to consider each.

3. *First.*—From the river Surdah to the Sookhee west of the Deoha. Here the line is ill-defined and the hill boundary

is held to extend much further into the plains than is necessary. The principle to be observed is that all villages cultivated from the hills, and all lands likely to be brought into cultivation by people from the hills, remain attached to Kumaon, but that all villages cultivated by residents in the plains, or likely to be brought into cultivation by people from the plains, be attached to Rohilcund. On this basis, Captain Ramsay and Mr. Drummond will lay down a line, as straight as conveniently practicable. This line should be marked by puckah pillars, at suitable points especially on the side of all the roads and at every bend in the line. The expense of the puckah pillars may be entered in the contingent Bill of the Collector of Bareilly; Mr. Drummond charging himself with their erection.

4. *Second.*—From the Sookhee to the Bore river which separates the Bareilly and Moradabad districts, the line of boundary now runs somewhat south of the line of springs. The only objection to this line is that it throws into the district of Kumaon some villages held by Boksas south of the Bhabur tract. These men have thus the command of the springs and impede the measures now in progress for regulating and distributing the water of all streams which run through this part of the Turai. It is understood, however, that the settlement of these villages has expired, and that arrangements will be made with the Boksas for locating them elsewhere in situations where they will have greater advantages than at present, and where they will offer no obstacle to the operations in progress. The existing boundary is generally well known and the authorities consider it to be for the present the best suited to the purposes of both districts. It will therefore remain unaltered. It is understood, however, that between the pillar at Tanda and that at Hutsaon, on the Moradabad frontier, there is considerable irregularity. A small portion of the Jagheer of the Rampoor Nuwab intervenes here and the demarcation is incomplete and uncertain. These defects must be remedied. A convenient line should be assumed, as direct as possible, and boundary pillars erected. The Collector of Bareilly will charge himself with this, in correspondence with the Kumaon authorities, and will enter the expence of the pillars in his contingent bill.

5. *Third.*—North of the Moradabad district from the Bore

River to near Rehur, the boundary had not hitherto been completely marked off. Mr. Wilson, the Collector of Moradabad and Captain Ramsay, the Senior Assistant in Kumaon, during the course of last year, marked off a new line founded

NOTE BY J. H. BATTEN, ESQUIRE.  
A projecting hill near the exit of the Dubka from the Hills, and called in the official correspondence "the Gybooa promontory," has always been a settled point. It is from that point westward that Kumaon ceases to possess any actual plain. It was from that point eastward to Hutsaon that Messrs. Traill and Hallid left the demarcation incomplete.

on the best information procurable regarding Mr. Traill's boundary, but adapted to the present state of things. This line strikes from the Hutsaon boundary pillar to the Gurpoo bridge, in the Bhabur forest on the Kalcedoongee Road and thence turns southward, so as to include a tract of Jungle not hitherto included in Kumaon, but which may probably be brought into cultivation from the hills. This line has been marked off with masonry pillars and surveyed. It is confirmed, and may henceforth be considered the boundary. On the remaining portion of the line west of the Kosillah, there seems to be no doubt,—the jurisdiction of the plains' authorities extending to the foot of the hills.

6. *Fourth.*—The boundary between Gurhwal and the Bijnore district seems to be well understood. None of the land at the foot of the hills belongs to Gurhwal. The Chandnee Dhoon opposite Hurdwar is attached to Bijnore.

7. From the above detail, it is evident that the boundary line between the Surdah and the Kosillah is the part which requires most attention. When this has been fixed, substantial boundary pillars of masonry should be erected along the whole line where they may be now wanting. A record in the vernacular language should be made of the position of all these pillars. They should be numbered and shown in the professional Map. The best position must be determined by local circumstances, but they should always be erected by the side of roads, and at all bends in the line. The Commissioner of Rohilcund will charge himself with providing that these arrangements are carried out by his subordinates.

8. This arrangement was made at Khurah; near Bhomouree



on January 10th, 1851, in the presence of Mr. F. Robinson, Junior member of the Sudder Board of Revenue, the Commissioners of Rohileund and Kumaon, the district Officers in Kumaon, Bareilly and Moradabad, and the Superintendent of Irrigation in Rohileund. Copies of the Memo. will be furnished to the Sudder Board of Revenue and to the Commissioners of Kumaon and Rohileund for their information and guidance, and for communication by the latter to their subordinates.

J. THOMASON.

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No. 30.

ASSISTANT EXECUTIVE OFFICERS, CANAL DEPARTMENT.

No. 820 of 1851.

To

Sir H. M. ELLIOTT, K. C. B.

*Secretary to the Government of India with the Governor-General.*

*Dated Lieut.-Govr.'s Camp, the 7th March, 1851.*

SIR,

REVENUE DEPARTMENT, I am desired to acknowledge the receipt of your letter dated January 16th, regarding the position of Assistants to Executive Officers in the Canal Department, and, in reply, to forward the annexed copy of a letter from Lieut.-Col. Cautley, dated the 17th instant, pointing out why the assistants now employed on the construction of the Ganges Canal should not be brought under the operation of the rules of February 22nd 1850.

2. In the opinion therein expressed the Lieut.-Governor altogether concurs, and considers that the reduction of the salaries and emoluments of the assistant now engaged in the Canal Department would be unjust to them, and most impolitic in its effects on the expenditure of the Government.

3. It is evident that the resolution of February 22nd 1850, was framed without advertence to the circumstances of the Canal Department. It met defects which did not exist there.

It provided establishments for Executive Officers which had always existed in the Canal Department, and it fixed a scale of travelling allowances for which provision had always been there made. It also fixed a scale of remuneration for Assistants in the department of public works; officers of that grade being very seldom employed except in the Canals.

4. The establishments to be employed in the Ganges Canal were carefully fixed when the works were first commenced. On that understanding the operations have been carried on, and work apportioned to the several officers. When such a great undertaking is in rapid progress, it seems impolitic, without previous enquiry, suddenly to introduce a new scale of expenditure, simply because that scale is considered suitable to another branch of the department with which it has little analogy.

5. Such works as are executed by Assistants on the Ganges Canal, would never be entrusted to simple Assistants in the department of public works. The large work on the Rutma, the Puttri, and the Rancepoor torrents, to say nothing of the works for crossing the Solani, would require separate Executive officers, or be entrusted to Officers with special salaries. The same is the case with the other Divisions of the Canal.

6. Evidently, if the rule of February 22nd 1850, is made applicable to the Ganges Canal, it will be necessary to reorganise the whole establishment, to make the Divisions smaller, have more Executive Officers, and trust less to Assistants. The evils of this are manifold—the advantage none. The expense alone would be enormous, if we take into consideration the loss of time and temporary sacrifice of efficiency.

7. It seems to the Lieutenant-Governor that it would be much better and easier to confess the truth at once. The Military Board, in the multiplicity of their over-burthensome occupation, found themselves compelled to propose a new organization for that branch of the Department of Public Works, which may be called, for distinction sake, the Barraek Department. Great defects and evils existed there, which called for immediate remedy. They did apply a remedy, and a very good one, so far as it went. But forgetful of the peculiar circumstances of the Canal Department, they so worded their proposal as to embrace its establish-

ments. The attempt pertinaciously, to uphold the error, has only given rise to many anomalies and numerous exceptions; which have caused much correspondence, and waste of time. The honest course is to confess the oversight, and leave the Canal Department as it was, and to declare the Resolution of February 22nd 1850 inapplicable to it.

8. This is no new measure, nor in itself unreasonable. It was only about sixteen years ago that the Canal Department was removed from under the superintendence of the Revenue Board; and placed under the Military Board. It was then constituted a part of the Department of Public Works. But so anomalous was its position, that many of the rules of the Department were found inapplicable, and it has only been by a constant system of shifts and expedients that matters have gone on as well as they have. Meanwhile the scale of the operations has been rapidly increasing, till at last they have attained a magnitude which forbid, their being trifled with, whether we look to the financial interests of the Government or the lives and well-being of the people. The time has evidently arrived when it is most unwise, longer, to vest the control of the Department even nominally in a Board sitting in Calcutta, and unfitted from their other avocations to judge of many of the questions which must come before them. It is only the good sense and the public spirit of the gentlemen constituting the Board, which has afforded relief from the inconvenience that its unwieldy machinery would naturally have occasioned. The Lieutenant-Governor cannot but regret that, in this instance also, they have not more readily yielded, and admitted at once that which they have only acknowledged scrap by scrap, as concessions have been wrung from them.

I have the honor to be, &c.

J. THORNTON,

*Secy. to Government, N. W. P.*

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## No. 31.

## SUPPLY OF GRASS TO CAVALRY.

*Minute on the supply of grass to the Cavalry.**Dated the 12th March, 1851.*

REVENUE            The present system for supplying grass is to  
 DEPARTMENT,    maintain grass-cutters, one for each horse, at  
 No. 166.        3 Rs. 8 as. per mensem, and to send them out  
 to cut grass, where they can. If grass can only be procured  
 from a distance, an additional charge is incurred for the carriage  
 of the grass to the cantonment.

2. There can be no question of the great evils attendant on this custom. When the country was thinly peopled, and there were extensive grass plains over which the Government had indefinite claims, grass was readily procurable for the mere trouble of cutting it. But that has long ceased to be the case. At the time of the last settlement, the whole of the land (with the exception of forest tracts) was surveyed, and allotted to the several villages. The authoritative demarcation of boundaries determined the right of individuals to every portion of the land. The proprietors were formally assured that they were at liberty to do what they liked with all the produce of the land within the limits of their estates, provided they punctually paid the sum assessed by Government on the estate. No person can enter on their estates and remove any portion of the produce and of the grass amongst other articles, without being legally liable to prosecution for trespass in the Criminal Court, and to action for damages in the Civil Court.

3. It is true that at a distance from large stations, and where there is much land left waste, either from being liable to floods or from any other cause, the grass has no marketable value. The proprietors do not object to the removal of the grass from such lands, provided no damage is done to their crops, or to their fences, &c. But the power thus to cut and remove grass from places where it abounds is only exercised by permission, and on sufferance, and is not claimable of right. Whenever the proprietor finds that too much grass is removed, or that the license is used so as otherwise to harass him, he

is at liberty to cancel the license, and to stand upon his unquestionable right.

4. The operation of the present system at Muttra deserves to be well examined. The leading difficulties of the question may thus be best understood. During my late visit to Muttra in February last, the whole subject was fully discussed in concert with Mr. W. H. Tyler the Commissioner, Mr. R. Alexander the Magistrate, Major Abercrombie, Artillery, Commanding the station, and Captain Herbert, Commanding the 9th Light Cavalry. The chief native Revenue Officers of the district were also present, and many of the Zemindars, as well as the most intelligent of the Troopers and grass-cutters who were familiar with the practical working of the system.

|                                                                                                                         |             |
|-------------------------------------------------------------------------------------------------------------------------|-------------|
| 5. There are stationed at Muttra one Troop of Horse Artillery and the Regiment of Cavalry, numbering in all 672 horses. |             |
| Horse Artillery, .....                                                                                                  | 169 horses. |
| Cavalry,.....                                                                                                           | 503 „       |
| Total, ...                                                                                                              | <u>672</u>  |

6. During eight months of the year, grass is procured with great difficulty in the immediate neighbourhood of the station. It is the practice then to send bodies of grass-cutters, under the most trustworthy native Officer who can be found, to cut grass on the banks of the river, some miles distant from the cantonment, in Pergunnahs Mat, Suhawur, and Nohjheel, and even sometimes as far as Pergunnah Tupplu in the Allyghur district. The grass so cut is laden on boats and brought down the river to Muttra whence it is carried on carts to the cantonment. For this service sixteen boats and twelve hackeries are maintained at the cost of Government during eight months of the year.

7. During the four months of the rainy season, the grass-cutters are all called into cantonment, and, on the supposition that grass is then plentiful, they are sent out to forage in the neighbourhood.

8. The consequences of this system may be easily foreseen. It is true that the Zamindars in the distant pergunnahs do not object to the mere removal of their grass, but they demand to be considerably treated, and to be freed from the vexations which result from the visits of the grass-cutters. It is easy

to understand that a body of low born men like grass-cutters, conceiving themselves invested with some authority as Government servants, are liable to be insolent, especially when removed from the control of their superior Officers. Their avocations require them to spread over the face of the country with their ponies, and no effective supervision can be exercised over them. Their ponies accidentally, or of purpose, are allowed to stray into the fields, and damage the corn crops; quarrels ensue and complaints are then carried into the Magistrate's Court. The Zamindars pray to be relieved from these vexations, and the grass-cutters complain that they suffer interruption in the discharge of their appointed duties. Those who have any acquaintance with such cases, know how impossible it is to discover the exact truth. The disposal of the case cannot be satisfactory; all perhaps are discontented, and the dissatisfaction extends to the superiors of both parties. Misunderstandings too often hence arise between the Civil and Military Officers, notwithstanding the most sincere desire of both parties cordially to co-operate for the public good.

9. During the four months of the rains, when the grass-cutters are called in and forage in the immediate neighbourhood of cantonments, the case is much worse. There grass is really valuable, and those who are alive to their own interests make a profit by it. The parade ground at Muttra, measuring about 750 acres of very inferior land, lets for eight or nine hundred Rupees the season, as grazing land. About eight miles North-east of Muttra, is situated the village of Rall, belonging to Pirthce Singh of Awa; and, from 350 acres of good grass land in it, he realizes between 500 and 600 Rupees per annum; whilst, from 220 acres of inferior land, overgrown with trees, he gets 150 Rupees per annum. In the Agra District, the Magistrate and Collector obtains a small sum for the right of grazing and cutting grass by the road side, and the grass in the College compound and round several private houses brings a return of larger or smaller amount. These instances prove that grass in the neighbourhood of large stations has a market value, and that, if proprietors fail always to make a profit from it, this arises from a want of enterprise or from the fear of embroiling themselves with such

persons as the Government grass-cutters. The rule is, to prohibit the grass-cutters from trespassing wherever the grass is preserved. The preserves of influential men, like the owner of Rall, are perhaps respected, but the rights of the weak and the poor are trampled upon. The density of the population moreover, and the luxuriance of the crops, lead to constant altercations between the grass-cutters and the people.

10. All these sources of discontent and ill-will are much increased in a season of any scarcity. Grass may then be procured with difficulty. The grass-cutters are urged to do their utmost, and the time for purchasing grass, through the agency of the Commissariat, is put off as long as can be, and is perhaps altogether avoided. But the hardship on the people is the greater. Quarrels and affrays are more frequent than ever. The horses are poorly fed, the Magistrate is harassed, and the Cavalry Officers suffer much vexation.

11. There is but one remedy for all these evils, and that is to renounce the foraging system altogether, and to go fairly into the market and buy grass or hay, as all other articles of consumption are purchased. The objection to this is, that the grass-cutters must be maintained for foreign service. They are camp followers, who receive regular pay and are entitled to pension. Without them the Cavalry are inefficient. This is a Military question with which I cannot deal. In other countries and other services, a grass-cutter for each horse is not considered necessary. But if it is so, let it be recognized as an authorized item of charge for a Cavalry Regiment. It affords no reason why our own subjects should be harassed, and deprived of their lawful property. I will suppose that the 672 horses at Muttra require the services of as many grass-cutters at 3 Rs. 8 as. per mensem, involving an annual charge of 28,224 Rs.

12. But this is not the only expense of obtaining grass for the Cavalry at Muttra. There is also a charge for eight months on account of sixteen boats at Rs. 32½ each per mensem, making 4,160 Rs. per annum, and also on account of twelve hackeries at 15 Rs. each per mensem, or 1,440 Rs. per annum.

13. The cost therefore of supplying the 672 horses with grass in the year, is,

|                                        | Rs.    | As. | Pie. |
|----------------------------------------|--------|-----|------|
| On account of Grass-cutters, . . . . . | 28,224 | 0   | 0    |
| Ditto of Boats, . . . . .              | 4,160  | 0   | 0    |
| Ditto of Hackeries, . . . . .          | 1,440  | 0   | 0    |
| <hr/>                                  |        |     |      |
| Total, . . . . Rs.                     | 33,824 | 0   | 0    |
| <hr/>                                  |        |     |      |

14. This large annual expenditure does not, however, include the remuneration to the proprietors of the land, which cannot be denied them. It is necessary therefore to consider what this should be.

15. The Commissariat allowance for a horse is 14 seers or 28 lbs. of green grass per diem. This gives, for the whole 672 horses, about 85,848 maunds, or 63,072 cwt. per annum. It is generally computed that a beegah of land (.569 of an acre) will not yield more than 8 maunds, or nearly 6 cwt. It would therefore require 10,731 beegahs, or 6,109 acres. The least that could be given to the Zemindars for the grazing of this extent of unoccupied land would be one rupee an acre, or more than 6,000 rupees per annum. But, if land were taken up as grass preserves, in any one place, it could not be got without considerable difficulty, and would cost not less than three rupees an acre, or 18,000 rupees per annum. It is thus evident that a sum from 6,000 to 18,000 rupees per annum must be added to the present expenditure, to make the system at all defensible, and then the evils will remain of sending out bodies of grass-cutters to a distance from cantonments beyond the reach of efficient control. To feed therefore 672 horses at Muttra requires, on the present system, an expenditure exceeding 10,000 rupees per annum.

16. Contractors can readily be found who will supply grass at the rate of 4 maunds for the rupee, at the stable door. It will cost then 21,462 rupees to supply 14 seers per horse for the whole year round, to all the 672 horses, or about half the present fair charge. If we add to this the pay of the present establishment of grass-cutters or 28,224 rupees per annum, it follows that grass can be purchased and the grass-cutters maintained in idleness for rupees 49,686, or only about 10,000 rupees more than the present charge.



17. The advantages of obtaining the grass by contract are many and obvious. If stacks of hay were formed, when the grass was cheapest, the horses would have far better nutriment than at present, and a considerable reduction in the charge might be effected. The supply of a Cavalry Regiment would then be the cause of prosperity and wealth to the country, instead of being a burthen, as it now is. When once the Government come regularly into the market to purchase grass, it would be recognized as a usual asset of an estate. Grasses would then be cultivated, and the agricultural industry of the country would be encouraged.

18. I have argued the question on the supposition that it is absolutely necessary to maintain all the grass-cutters, whether they are employed or not, in order to preserve the efficiency of the Cavalry for foreign service. This is a question on which a few suggestions may be offered, without travelling beyond one's proper sphere.

19. It is said that the Queen's Cavalry Regiments were allowed to draw the grass-cutters' pay, and furnish grass themselves. They used to purchase hay and stack it, and thus fed their horses better than by means of grass-cutters, and made a large profit on the transaction. But when they went on service to Cabul, they were unable to furnish themselves with grass, and their horses fell off in condition and were much distressed. As a remedy, it has been determined that the grass-cutters should be maintained and mustered as camp-followers. It may however fairly be questioned whether this was the only, or the right remedy. If the Government had taken the supply of all the grass or hay for the Cavalry in the time of peace, they would have effected a large saving, and would have been able, by increased expenditure and good arrangements in time of war, to have amply supplied the wants of the forces. One of the parties, who came forward to contract at Muttra, said that he had been with the British Force at Candahar, and that no difficulty would be found in providing troops, even on such a campaign as that, with grass by contract on terms not very greatly exceeding those in our own territories. He may have been mistaken, but he spoke confidently and with an evident knowledge of his subject. At no place within our own territories

would any difficulty be experienced, in furnishing grass to Regiments on the line of march.

20. It has also been proposed to maintain a certain number of grass-cutters, say half the present establishment, organized as foragers at some central depôt, to be detached with any Regiment proceeding on service. These are questions for the consideration of the Military authorities. It can scarcely be supposed necessary to maintain large bodies of men in a time of peace in complete idleness, in order that their services may be brought into use in a time of war. Arrangements might no doubt be made so that their labour might be profitably used, and rendered remunerative to the state. However that may be, it is only necessary to bear in mind, as has been before said, that the supposed necessity for maintaining the full establishment of grass-cutters is no sufficient reason for subjecting the people of the country to the evils they at present experience.

21. The question has been discussed with reference to the state of circumstances at Muttra, where the difficulties appear to be greatest. At Meerut the same evils are experienced to a considerable degree, whether more or less than at Muttra I cannot say. At Cawnpore grass is supplied from the Oude territory. These are the only Cavalry stations in these provinces. In no other than our settled provinces would the difficulty be felt to the same extent. It arises from the idea of a proprietary right in land, which it has been the object of our Revenue System, for a long course of years, to instil into the people.

22. It is only necessary to add that if, the experiment of feeding the Cavalry by contract is to be tried at Muttra, it had better be done through the Collector and Magistrate, who will be better able to arrange the terms advantageously both for the Government and the people, than the Commissariat Officers could do. Sanction should be given to the plan before the setting in of the rains, as the evils of the present system are then most felt, and the contractor can then best lay in his supply.

J. THOMASON.

## No. 32.

## INDEX MAP.

*Remarks on an Index Map compiled in the Surveyor General's Office in 1845-1851.*

REVENUE DEPARTMENT, 31st MARCH, 1851, No. 401. 1. An Index Map is designed to connect together all the District Maps, to shew their mutual relation to each other, and to give their leading features. It is not intended to shew the geographical features of the country, or to afford data for testing its geographical accuracy.

2. It is necessary that the map be geographically accurate, so as correctly to group together the several districts. In this respect I doubt not the map is far superior to any thing we have yet had. The districts assume their proper position and shape, and the chief towns are correctly inserted. All this is very valuable. Probably it was effected by a reference to the G. T. Survey. But these are of no revenue importance. They fill up space which in such a map is very valuable. If reference to them was necessary it might have been given in a tabular form in the margin. I would rather have omitted them altogether, in the finished map, though their insertion was no doubt necessary in the process of compilation.

3. The insertion too of numerous little rivers takes away from the distinctness of the map. I think it only necessary to give the great rivers, the Ganges, Jumna, Gogra, Goomtee, Chumbul and such like. Pillibhet, Seharunpoor, and many other districts shew numerous nameless rivers.

4. The insertion of main roads, such as the Grand Trunk Road, and perhaps a few others is useful. But the mass of district roads are incorrect and useless. I can say from my own knowledge that many of them are imaginary. Many really good made roads are also omitted. I do not see the use of inserting any but the really important roads, and would omit the mass of them.

5. In a reference map, we most of all require to see the great revenue division of the countries, Mouzahs, Pergunnahs, Districts. The first of course cannot be given in an Index Map, but the two latter may be, and the omission of the Pergunnahs

boundaries detracts much from the value of the map. The old Index Map compiled by the Sudder Board of Revenue, defective as it was in many respects, in this respect was very useful. The Pergunnahs generally bear the same names as the Mehals, and are sufficiently designated by the insertion of the Kusbahs, as in the old Board's Index Map. Where they do not bear the same name, the Kusbah should be omitted, and the name of the Pergunnah written in.

6. If it be now possible to make any alteration in the Index Map, I should like to see

1st.—The G. Trig. Survey omitted.

2nd.—All but the great roads omitted.

3rd.—All but the great rivers omitted.

4th.—The Pergunnah boundaries inserted.

J. THOMASON.

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**No. 33.**

**LANDED PROPERTY IN JOUNPOOR.**

*Memorandum for placing landed property in Zillah Jounpoor, on a more secure footing.*

|                 |                                                             |
|-----------------|-------------------------------------------------------------|
| REVENUE         | 1. The general nature of the measure                        |
| DEPARTMENT,     | I should like to see carried out, will be                   |
| 26TH MAY, 1851, | found explained in paras. 246-251 of the                    |
| No. 322.        | directions for Collectors. It is only neces-                |
|                 | sary to point out the particular features which the measure |
|                 | should assume in Jounpoor. Uncertainty at present often at- |
|                 | taches to,                                                  |

*First.*—The amount of the Government demand from an estate.

*Second.*—The rights of the coparceners in joint estates.

*Third.*—The rights of the under tenantry, who are not under engagements with the Government in their own persons, or through their representatives.

2. Let us consider each of these topics separately.

3. *First.*—The amount of the Government demand from an estate. All settlements made with Zemindars in Jounpoor are perpetual. Is it known precisely what sum can be demanded,

from what extent of land in each case? Revert to the original settlement of the Mehal itself, or of the original Mehal of which it is a part.

4. Suppose the Mehal to have remained undivided from the first settlement till now. Is the jumma the same that it was then? If not, when and how was it increased or diminished? Clear up this, and record the result. Look to all items which might affect the demand, e. g. dues from Sayer, such as Salt, Saltpetre, &c., Mujrai ch'hoot maafce, &c. &c. If any such are claimable or recoverable, let them be settled, the right of Government being at once asserted or finally and authoritatively relinquished. Then look again to the extent of land included in the Mehal. Let there be no doubt that the boundaries are rightly and finally determined, and that they are correctly represented in the Survey Map. If the Mehal includes many Mouzahs with separate jummas arbitrarily assigned, see how these fall, and if they are very disproportionate to the assets of the several Mouzahs, ascertain the cause, so far as may be practicable, and place a warning on record. The cause may be the securer title to the Mouzah with a lower jumma, the apparent loss of the land of one Mouzah by the successful usurpation of others, or by diluvion, &c., the decay of some Mouzah by neglect or by the discontinuance of some formerly valuable asset, such as salt, &c. A careful scrutiny of this kind may often bring to light notable circumstances regarding the Mehal.

5. If the Mehal, as it now stands, is part of a Mehal formed at the time of settlement, first lay together all the parts of the original Mehal, and, considering them as still one, compare the present with the original jumma, as in the case of an undivided Mehal. Then look to the circumstances of the division, how it was made, how far equitable, how far final, how far specific in its terms and extent. If the present total jummas be found at variance with the original jumma, how does that affect the partition?

6. If there be any question as to the liability of the estate to any demand at all, as in the case of a Maafce or Towfeer village, or to the present assigned jumma, as in the case of a Mocurruree or Jagheer village, let that be at once, and for ever, set at rest.

7. *Secondly.*—The rights of coparceners in joint undivided estates. We have here only to deal with the parties actually in possession, and to record the rights which they possess. The usual and ordinary points in such cases will of course engage attention; but, over and above these, there may be others arising from the very light assessment of many of the permanently settled *Mehals*. It will probably often be found that the liabilities of one or more of the proprietors are greater in proportion to his interest than the Government demand is to the assets. This may result from natural causes or from wrongful usurpation, or from special contract. A natural cause which is frequently in operation exists where the coparceners have made an imperfect partition of the estate according to their aliquot shares, and where the relative value of the several portions has changed. The same may have resulted from the superior power or resources of some of the coparceners without any express partition of the land, the several coparceners having continued to pay according to their original ancestral shares, but some having got more or better land into their exclusive management. It may result from special contract, as when a proprietor mortgages or sells certain villages or portions of the estate, either to a coparcener or a stranger, with a *jumma* assigned by himself, being more or less the fair *jumma*. In all such cases, if the parties are content to go on as they have done, there should be no interference with them. If any persons claim severance of their share, it should be given them under Regulation IX. 1811, or Regulation XIX. 1814, as may be found best. An existing partition of the lands made by free will of the parties, or sanctioned by long prescription, is binding on the Collector; he cannot alter possession. But no unauthorized allotment of the Government *jumma* is binding. If the parties hold to the possession of their lands, the Collector in dividing the estate must make a new and fair allotment of the *jumma*, according to the assets at the time of the division. Hence evidently the division may occasion much litigation, especially when the unauthorized and unequal allotment of *jumma* was the result of a special contract between the parties. Much may be effected by mediation between the parties to prevent this litigation, and to lead to an equitable adjustment of the

point in dispute. Strenuous efforts should be made with this view.

8. *Thirdly*.—The rights of the under-tenantry. It is most important to separate the under-tenantry into, First, subordinate proprietors; Second, non-proprietary tenants at fixed rates, and third, tenants at will.

The first of these possess an heritable and transferable interest in the land. The second have a right of occupation heritable, but not transferable. The third have no right beyond the actual occupation of the ground during the growth of the crop. The right may have arisen from prescription, when its nature and extent may have to be very carefully sifted, and accurately recorded. It may have originated from special contract, when the terms and circumstances of the contract should be recorded. There may be difficulty in discriminating between the first and second classes of under-tenants. As a general rule, subordinate proprietors will be found possessed of a certain extent of land for which they pay a certain amount, whether they cultivate it or not. The condition of such persons is described in paras. 112-118 of Directions for Settlement Officers. Non-proprietary tenants at fixed rates only pay at the established rate for the quantity of land which they cultivate each year. Vide para. 112, Directions for Settlement Officers. Such persons seldom have the right of selling or of sub-letting their lauds.

9. Subordinate tenures should also be classed according to the criterion assumed in Section 26, Act I. 1845, and it should be determined regarding every tenure, whether or not the sum payable from it is liable to enhancement on sale of the estate for arrears of revenue, and if not, into which of the privileged classes it falls.

10. A comprehensive view of the rates paid by non-proprietary cultivators may be of the greatest use in determining what are the "established rates of the Pergunnah," referred to in Section 10, Regulation LI. 1795, if indeed any rates can be called universally established. In doing this, great care will be necessary, and great judgment in classifying the several castes of cultivators, qualities of soil, or descriptions of crops, which regulate the rates. No more important contribution could be rendered to the system, than a careful disquisition on

this subject, founded not on guess or theory, but on actual observation, collation, and comparison in several Pergunnahs. It would be, in fact, a commentary on para. 134 of the Directions for Settlement Officers, where the difficulty is stated and left unsolved.

11. I have thus stated the main points which occur to me as deserving of enquiry, but numberless others, on which I have not touched, will doubtless suggest themselves in the course of the enquiry. A report which should present, in a condensed and well digested form, the results of such an investigation would be most valuable; and, if to it were added a Statistical Report of the nature contemplated in Appendix No. XXIV. to Directions for Collectors, the work would be complete. Such a Statistical Report of the Cawnpoor District by Mr. Montgomery will shortly appear in print, and will shew more clearly what is proposed.

12. I would add a few cautions regarding the mode and spirit in which such enquiries are to be conducted.

13. *First.*—Discriminate carefully between facts which are merely recorded, and points which are determined. The latter should always be examined in full communication with the parties concerned, after having been placed on the Regulation VII. 1822 file (V. Appendix No. XXV. to Directions for Collectors) and a regular decision should be passed upon them.

14. *Secondly.*—Great care must be taken to avoid making these enquiries the cause of exciting rather than of preventing litigation. With this view, take up in preference estates which have been long disorganized, and the subject of dispute for some time; and be cautious in enquiring regarding those which are well administered, and free from disputes.

15. *Thirdly.*—The object of the measure is to give security to property, and not to assert the long dormant or doubtful rights of the Government. Be, therefore, very cautious not to raise a question, or put forward a claim, on the part of Government, which there is not very strong reason to consider well founded and just. When the claim is advanced, let it be so done as to afford the party affected the fullest opportunity, and the greatest facility, for putting forward the arguments which may tell in his favor.



16. *Fourthly*.—Be careful not to make your enquiries so as to excite alarm, or to cause distress to the people. Keep the sharpest watch over subordinates. Retain direction of the enquiries entirely in your own hands, making over to subordinates only such and such joined issues for trial. Never make over a Pergunniah or even a Mouzali to a subordinate to do what he likes with it. Ascertain first yourself what are the points regarding each Mehul which require investigation or decision, and then make these over for trial in some determinate way. If you find that from suspicion or some other cause the enquiry is distasteful to any particular party, delay it, do not press it;—let him see and feel its object, and gradually be brought to assent to it. This, of course, is only to be observed when justice to others does not pre-emptorily call for immediate investigation.

17. *Fifthly*.—Never take up more work than you can expect to go through within a reasonable time. A long file of unadjusted cases will be a serious evil. A well digested and systematic plan of operation will greatly facilitate the execution of the measure.

J. THOMASON.

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**No. 34.**

**ENHANCEMENT OF RENTS.**

No. 2351 of 1851.

*To William Muir, Esquire,*

*Secy. to the Sudder Board of Revenue,*

*North Western Provinces, Agra.*

*Dated Simla, the 30th June, 1851.*

SIR,

REVENUE DEPARTMENT, I am directed to acknowledge receipt of your letter, dated 27th ultimo, No. 266, drawing attention to two decisions respecting the rights of tenants, passed by the Sudder Dewanny Adawlut in June last, and communicating the observations recorded by the Members of the Board severally regarding them.

2. With regard to the Jounpore case [page 114 of decisions of Sudder Dewanny Adawlut for June 1850,] the Lieutenant-Governor does not see any reason for questioning the Court's decision. The Lieutenant-Governor cannot doubt that a proprietor has the right under certain circumstances to raise the rents both of hereditary privileged cultivators, and of tenants at will; the former only according to established usage and the Pergunnah rates, the latter according to his will and pleasure. The former cannot be ousted so long as he pays according to established usage, the latter may be ousted at close of the year, when the crop has been removed, if the proprietor chooses to oust him.

3. It is most difficult to determine what is "the established rate of the Pergunnah," to which reference is made in Section 10, Regulation LI. 1795; but there is no apparent reason for thinking that the rates fixed by the Court, of 4-8 and 4 rupees the beegah, are excessive. In fixing them, reference was apparently had "to the custom of the district and caste of the cultivator."

4. If the Lieutenant-Governor regrets any part of the decision, it is that the Court were compelled, by the law of special appeal, to confine their consideration of the case to the facts as found by the lower Court, by which it was ruled that the appellant was not a "Kudeem Kashtkar." The whole argument of the Court is applicable to "Kudeem Kashtkars," as well as to all other non-proprietary cultivators.

5. In the Furruckabad case, [page 141 of the printed decisions for June 1850,] the Lieutenant-Governor cannot concur with the Court in the principle which they have assumed. It seems to the Lieutenant-Governor that Section 25 of Regulation XXVI. 1803, refers only to the *mode* of conducting sales in execution of decrees of Court; whilst Section 29, Regulation XI. 1822, points out a material distinction between sales in execution of a decree, and those for arrears of revenue as regards their *effects*. Regulation V. 1812, has reference only to the effects of the sale, and in its preamble and whole tenor is restricted to "sales of estates for the recovery of arrears of revenue." Its evident design is to facilitate the enjoyment, by

the purchase, of "all the property and privileges which the engaging party possessed, and exercised, at the time of settlement, free from any incumbrances which may have supervened thereupon," such being declared by Section 29, Regulation XI. 1822, to be the effect of sale for arrears of revenue, but not of sale in execution of decree. Regulation XI. of 1822, has been repealed, but the principle laid down in the above Section remains in force, as is apparent from Sections 26 to 29, Act I. of 1845, and Section 10, Act IV. of 1846.

6. But if the terms of Regulation V. 1812 had been held inapplicable to the case, it would not have followed that the claim to enhanced rent must have been disallowed. The purchaser was possessed of all the rights of the former proprietor; and if the former proprietor had been entitled to enhanced rent, according to the established usage of the Pergunnah, the purchaser would have been so also. If, however, the former proprietor had, by his own free and legal act, precluded himself from demanding enhanced rent, by special grant or lease, then the purchaser could not, under the circumstances, set aside that act.

7. The Lieutenant-Governor does not concur with the Junior Member in the anticipation, expressed in para. 10 of your letter, that this extension by the Court of the provisions of Regulation V. 1812 will be productive of much injury. By Section 10, Regulation VIII. 1831, the Collectors are precluded from hearing, in a summary suit, "all claims to increase, except on proof of bonâ fide written engagements to such increase." Claims therefore to enhanced rent, under the provisions of Regulation V. 1812, can only be heard in a regular suit, when the defendant would have full opportunity of pleading, in bar of such claim, any right which he might possess, founded on the act of the former proprietor. Regulation V. 1812, affords a convenient process for giving warning of a claim to enhanced rent, and is so far beneficial rather than otherwise.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

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## No. 35.

## PROSECUTION OF WORKS ON THE GANGES CANAL.

No. 217, A of 1851.

*To Sir Henry Elliot, K. C. B.**Secretary to the Government of India,**Home Department,**With the Governor-General.**Dated Simla, the 3rd July, 1851.*

SIR,

REVENUE DEPARTMENT, Your letter of May 1st, 1847, made known to the Lieutenant-Governor, the determination No. 35. of the Right Hon'ble the Governor-General that the works on the Ganges Canal should be carried on with the greatest vigor possible, on the estimate then furnished by Lieutenant-Colonel Cautley, amounting in round numbers to a crore of rupees, or a million sterling. This resolution was contained in a despatch from the Governor-General to the Hon'ble Court of Directors, dated April 20th 1847. In your letter forwarding a copy of the despatch, the following directions were given ;—

2. "The Director of the Canal should bear in mind that the Government, having once determined to execute his stupendous work, is resolved, on the occurrence of any doubt as to the stability of any part of the work, that strength and durability shall be preferred to mere economy, and that in the preparation of the materials, such as the burning of bricks, the solidity of the foundations, and other professional matters, the doubt shall be solved by adopting the course which will secure the permanency of the works." This course of proceeding will probably in the end "turn out to be the least expensive, by ensuring the state against future accidents and repairs. This principle is more important to be attended to in a Canal than in almost any other work, inasmuch as the giving way of the Canal at any essential point [say the Solani Aqueduct,] would render the whole of the works below the fracture of no value."

3. "All those improved modes of ensuring a proper draining

which are recommended in the report should be most carefully attended to."

4. The report referred to in the close of the preceding extract is that drawn up by the Committee appointed by G. O. Governor General dated September 16th, 1845, to enquire into the causes of the unhealthiness generally found to prevail in the neighbourhood of Canals for irrigation. The report bears date March 3rd, 1847. It was printed and in the hands of the Government, when your letter was written. The measures proposed by the Committee are to be found in Appendix F, [page xlvii. of the report]. They evidently in their very nature involve a considerable increase in the expense, above the estimate. This is avowed in the Committee's recommendation. "The Committee are aware that the adoption of the measures above recommended would involve an expense not contemplated in the original estimate."

5. It is hence evident that when the Supreme Government sanctioned the vigorous prosecution of the works, they were aware that the estimate originally formed would be considerably exceeded.

6. With the exception of some interruption during the second Sikh campaign, in the season of 1848-49, the works have since been carried on with the utmost vigour possible, and in conformity with the instructions already quoted.

7. It was, however, evidently most important that the Government should not proceed blindly in so costly an undertaking. As soon, therefore, as the works had sufficiently advanced to admit of the formation of a more correct estimate of the probable cost, the Lieutenant-Governor called upon Lieutenant-Colonel Cantley to furnish a revised estimate.

8. The principles on which the revised estimate was to be drawn up will be understood from the following extract of my letter of June 12th; 1850.

9. "It is not necessary that the estimate be much in detail. What has already been done will stand at its actual cost—what remains to be done, will be calculated from the experience of the past. The cost of establishments should also be shown, and the probable expense of repairs to finished works, which

will be incurred before the opening of the Canal. It would be well to contrast the chief items of the original estimate with the corresponding ones of the revised estimate, and to add a brief explanation of the chief discrepancies."

10. The revised estimate, compiled on the above plan was furnished on September 16th, 1850. It has since been printed, and six copies of the printed work accompany this letter. The estimated total cost of the works, as there given, contrasted with the former estimate, is rupees 1,41,29,811-7-5. The causes of this increase are given in detail in the printed volume, and are thus briefly summed up in the preface.

11. "There are three points which have greatly influenced the designs of the works now estimated for, viz.

1st.—"The results of the proceedings of a Medical Committee, which determined that the high water mark of the Canal should be kept, as much as possible, below the surface of the country.

2nd.—"The results of excavation in the upper divisions, shewing that the super soil only was clay, with an uninterrupted substratum of sand.

3rd.—"The change of design in the distribution of the supply below the 110th mile, which, in connection with the results above referred to, have, in fact, led with few exceptions to the total re-projection, not only of the masonry works, but of the capacity of the Canal Channel."

"In referring, therefore, to the papers already printed, the present may rather be considered a fourth, in succession to the three projects formerly submitted, than a revised estimate of what has gone before."

12. But this sum of 1,41,29,811 rupees, mentioned above, is only the cost of the original works. According to the established usage of the department, it does not include the cost of the fixed establishments maintained during the course of the work, nor the current repairs of those parts of the work, which will be completed prior to the opening of the Canal. When Lieutenant-Colonel Cautley prepared the estimate, he expected that the work would be completed in June 1853. In that event, the total cost, to June 30th 1853, would probably have stood thus.

|                                         |             |    |                 |
|-----------------------------------------|-------------|----|-----------------|
| Total cost of Works, .....              | 1,41,29,811 | 7  | 5               |
| Establishment up to June 30th, 1853, .. | 11,55,936   | 14 | 11              |
| Current repairs ditto, .....            | 2,69,733    | 3  | 0 $\frac{1}{4}$ |
| <hr/>                                   |             |    |                 |
| Total, ....                             | 1,55,55,481 | 9  | 4 $\frac{1}{4}$ |
| <hr/>                                   |             |    |                 |

13. Since then, however, the works have been considerably retarded by the unusually heavy rains during January and February last. Lieutenant-Colonel Cautley's present expectations, regarding the further progress of the work, are thus expressed in his report to the Military Board, dated May 5th, 1851, which was drawn up after he had minutely inspected all the great works in the upper portion of the Canal, designated as the first division.

14. "In the body of this report, I have entered very much into detail on the different works in the northern division; and, as the admission of water depends on the completion of these works, I would say a few words on the three following questions, which have within the last six months most prominently obtruded themselves."

1st.—"The apparent impracticability of admitting water into the Canal, as was intended early in 1853.

2nd.—"The interruptions arising from the changes in superintendence, and the difficulties in getting European assistants.

3rd.—"The absence of any necessity for opening out the Futtygurh, Boolundshahur, and Koel branches previously to the admission of water, and simultancously with the main trunk.

15. "*On the 1st question.*—I had always calculated that the Aqueduct over the Solani, and the works north of that river, would be sufficiently advanced, so as to admit water during the cold weather of 1852-53. My arrangements both public and private had been determined on the certainty of that event, nor did the increase to the quantity of work, arising from the enlargement of the buildings at the Ranipoor, Puttri, and Rutmoo Torrents, lead me to question the certainty of our accomplishing this event at least previously to the rains of 1853. The estimate that Government called for in May 1850, was founded on these conclusions. Appended to this report is the

rain gauge return, which was registered at Roorkee during the cold weather of 1850-51, the consequences of successive falls of rain, and at such repeated intervals [that, as I have remarked in the body of this report, for twenty-one days kept the brick-fields without a brick on them] were an utter annihilation of all our preconceived arrangements for cold weather progress; the large parties of masons, which, in the early part of the working season [November and December], had been collected for the Aqueduct works, were broken up and disbanded for want of bricks;—for many days the supply of this material was stopped; and when, after the middle of February, the uncertain weather ceased, and the work at the brick manufactories was again proceeding with the usual regularity, masons were no longer forthcoming; the brick fields were choked with quantities of material, and, at my inspection in the middle of April, the whole of the revetments, with the exception of a small portion near the left abutment, were standing without a mason upon them; the Aqueduct itself, which could easily have employed 400, had only about 200 masons engaged upon it; and the state of the brick-fields, and the heaps of bricks collected on the works, showed too clearly the evil under which the works laboured. The breaking up of the parties of masons affected all the works over this northern division, equally. The foundations of the Puttri works, and also at the Rutmoo, excavated with such difficulties in the face of springs and of liquid mud, might have been advanced greatly had it not been for these interruptions; it is sufficient to state that the above causes added to the direct effects of very unusual floods upon the floorings of the Solani Aqueduct, in filling in foundations ready excavated, have, without any doubt, delayed for a whole year the completion of these works in the northern division. I look in fact, at this moment, to the cold weather of 1853-54 as the earliest period when water may be admitted, and if contingencies similar to those of last cold weather again occur leading to interruptions to our brick-making arrangements, it is impossible to calculate on the effects to our progress.

16. “*On the 2nd question.*—During the late year we have had much interruption either from the actual loss of Officers or



from the effects of the unsettlement of men's minds by proposed changes in the department;—the first is not so easily remedied; the latter has in some measure been so, by the abrogation of the General Order, dated 22nd February 1850, in its effects on the Canal Department.”

“In the northern division the failure in passing the required examination in Mathematics of an Uncovenanted Probationary Assistant, and the removal of his successor from his appointment, because he had not passed his examination in Hindustani, have placed us in difficulties.

“In the 2nd division the loss suffered by the works by the departure of Lieutenant Fraser on medical certificate is incalculable, although his place is well filled by his Assistant and successor Mr. Read. Mr. Read has only one Assistant, instead of three; and is checked accordingly. These changes lead to great interruption in works of magnitude.

“The 3rd and 5th divisions, under Mr. Volk and Lieutenant Whiting, are at present by far the most prosperous of any of the southern divisions; the former is proceeding steadily and well, in spite of Mr. Volk's illness and absence; the latter, which is equal in length to the 4th and 6th divisions put together, is checked and restrained for want of assistance,—Lieutenant Whiting only having the aid of one Officer [Lieutenant Johnstone of the Engineers] his work of course proceeds in proportion to the means at his disposal. It does not appear to me, however, that the completion of any of these southern divisions will interfere with the opening of the Canal, as the tail water, as a temporary arrangement, can be passed off at escapes elsewhere. The 4th and 6th divisions, under Lieutenants Hodgson, and C. W. Hutchinson, are in progress undoubtedly very backward.

17. “*On the 3rd question.*—The Aqueduct over the valley of the Solani River, which consists of an elevated earthen embankment, on the top of which the water has to flow, must necessarily require considerable time to consolidate. In the first years of its occupation by water, with a current acting upon its surface, great care will be required in watching the effects of the current; and it will only be by slow and gradual means

that the consolidation, so necessary for the permanent establishment of a sufficient bed, will be gained. For the first five or six years after the first admission of water, the full supply necessary for the numerous branches will not be attainable, without running risks of accident on the elevated channel. A moderate supply of water given in the first instance, and this moderate supply being increased by gradual means afterwards, will be the only method of securing the consolidation and permanency of the bed, which is so necessary for after efficiency; it becomes evident, therefore, that there can be no necessity, at this early period of our operations, for hurrying to completion the subordinate branches, all of which can be carried on deliberately, after the main object, viz. the completion of the Solani Aqueduct, has been secured. The works above the Solani River, especially the superpassage of the Ranipoor and Puttri Torrents, where so many difficulties have to be contended against, will all require steady and deliberate watching under a moderate supply of water in the Canal, and I consider that under any point of view, whether with regard to the engineering, or the financial arrangements of these works, the object would be best gained by postponing for the present the excavation of the Futtugurh, the Koel, and in all probability the Boolundshelur, branches, although there are reasons why this latter branch might with advantage be completed as soon as we could find means to do so.

18. "It will suggest itself at once to those who appreciate the position in which we are placed as to the 2nd proposition above referred to, that the postponement of these branches will admit of our confining the attentions of our limited Superintendence to the main line of operations,—to completing on this line all the Rajbahas, or water-courses, and to placing them in such a position that, at the earliest possible moment, advantage may be taken of the water for irrigation; we, by these means, in fact, render a portion of our work at once perfect, and, having done so, proceed deliberately afterwards to extend our irrigation by making the subordinate branches.

19. "To hurry on the Futtugurh and other branches, with our present means of superintendence, be merely placing in abeyance the Rajbahas, (i. e. the actual means of conferring

the Canal useful for the purposes for which it was made,) with no other object than to get the whole of the main lines of work completed.

20. "I have considered this matter very attentively in all its bearings and, although I may not have been able to express my meaning in sufficiently forcible language, it is my conviction that the plan which I propose, of postponing the execution of the subordinate lines, is the most useful, and the most economical one.

21. "Having said so much on the present prospects of our operations, I will merely remark that, although the delay caused by the rains of the late cold weather has had the effect of delaying us for at least a twelvemonth, i. e., from June 1853, to the early part of 1854; the enormous quantities of materials which are now collecting will, in all probability, if we succeed in November next in collecting a sufficient number of masons, enable both Lieutenant Price and Mr. Parker, (the former of whom has charge of the Masonry Aqueduct on the Solani River, and the latter of that portion of the Aqueduct which connects Lieutenant Price's work with the high bank on the right of the valley,) to make advances of progress greater than we may at present anticipate. If the rains do not do material injury to the works, I see a perspective by no means cloudy or indistinct, and I hope that, in my inspection report of April 1852, I shall be able to speak more satisfactorily of the precise period of the completion of this Aqueduct.

22. "Immediately after the rains of 1851, the arch work will be commenced upon, the protecting lines of piles, &c. will be set in progress, and I presume that, during the cold weather of 1852-53, the superstructure will be, if not completed entirely, at least not far from completion. By that time, too, the earth-work in rear of the revetments will be far advanced, and I hope that the interruption and annoyance that have been felt by all, in consequence of the unusually wet weather of January and February, will be atoned for by an equally successful result, although gained at the sacrifice of a few months delay."

23. "The further delay of one year in the completion of the work will, of course, add to the charges under the heads of estab-

ishment and current repairs, but the determination to put off, for the present, the construction of the Futtugurh, Boolundshehur, and Koel, branch lines, will prevent the total expense, up to June 30th, 1854, reaching the figure noted above.

*Adjusted Statement of expenditure on the Ganges Canal up to the close of each month from July 31st, 1848 to*

| Month.        | First Division. | Second Division. | Third Division. | Fourth Division. | Fifth Division. | Sixth Division. | Director's Office. | Total.    |
|---------------|-----------------|------------------|-----------------|------------------|-----------------|-----------------|--------------------|-----------|
| <b>1848.</b>  |                 |                  |                 |                  |                 |                 |                    |           |
| July, .....   | 15,77,343       | 5,64,277         | 10,238          | 8,526            | ...             | 11,081          | 83,989             | 22,55,454 |
| August, ..... | 16,20,518       | 5,97,089         | 14,944          | 9,522            | ...             | 12,285          | 85,440             | 23,39,798 |
| September,... | 16,83,418       | 6,17,996         | 17,185          | 12,812           | ...             | 13,573          | 86,915             | 24,31,899 |
| October, ...  | 17,43,290       | 6,41,516         | 18,901          | 12,861           | ...             | 14,909          | 88,583             | 25,20,061 |
| November,...  | 17,81,131       | 6,61,812         | 20,332          | 14,381           | ...             | 16,226          | 90,192             | 25,84,074 |
| December,...  | 18,39,689       | 6,86,843         | 22,517          | 17,184           | ...             | 17,558          | 91,882             | 26,75,623 |
| <b>1849.</b>  |                 |                  |                 |                  |                 |                 |                    |           |
| January, ...  | 19,18,051       | 7,07,216         | 27,142          | 20,332           | ...             | 18,921          | 93,513             | 27,85,175 |
| February, ... | 19,63,343       | 7,38,031         | 30,828          | 24,222           | ...             | 20,295          | 95,209             | 28,71,928 |
| March, .....  | 20,46,893       | 7,75,679         | 40,643          | 28,615           | ...             | 21,636          | 96,768             | 30,10,234 |
| April, .....  | 21,05,034       | 8,41,470         | 43,407          | 35,328           | ...             | 23,096          | 98,473             | 31,46,808 |
| May, .....    | 21,75,746       | 8,85,198         | 47,303          | 39,807           | ...             | 24,460          | 1,00,349           | 32,72,863 |
| June, .....   | 22,31,627       | 9,14,052         | 60,249          | 42,650           | ...             | 25,764          | 1,02,281           | 33,76,623 |
| July, .....   | 22,70,504       | 9,50,001         | 82,547          | 45,213           | ...             | 27,208          | 1,04,027           | 34,79,500 |
| August, ..... | 23,10,836       | 9,99,437         | 1,13,704        | 51,240           | ...             | 28,586          | 1,05,303           | 36,09,106 |
| September,... | 23,36,738       | 10,34,739        | 1,41,604        | 55,195           | ...             | 29,976          | 1,06,836           | 37,05,088 |
| October, ...  | 23,88,608       | 10,95,419        | 1,74,604        | 61,018           | 1,316           | 31,948          | 1,08,452           | 38,61,365 |
| November,...  | 24,29,959       | 11,47,757        | 1,88,714        | 65,140           | 1,956           | 34,252          | 1,10,145           | 39,77,923 |
| December,...  | 24,86,291       | 11,88,431        | 2,17,618        | 70,441           | 2,765           | 42,447          | 1,11,812           | 41,19,805 |
| <b>1850.</b>  |                 |                  |                 |                  |                 |                 |                    |           |
| January, ...  | 25,43,052       | 12,57,432        | 2,58,948        | 79,299           | 3,621           | 46,112          | 1,13,781           | 43,02,245 |
| February, ... | 26,11,082       | 13,23,480        | 3,02,886        | 89,367           | 4,515           | 48,199          | 1,15,769           | 44,95,298 |
| March, .....  | 26,98,688       | 13,86,972        | 3,58,531        | 1,00,531         | 5,430           | 52,327          | 1,17,619           | 47,20,098 |
| April, .....  | 27,87,454       | 14,73,831        | 3,97,531        | 1,13,215         | 6,415           | 59,582          | 1,19,345           | 49,57,373 |
| May, .....    | 28,87,077       | 15,54,804        | 4,13,934        | 1,33,608         | 8,205           | 64,597          | 1,21,072           | 51,83,297 |
| June, .....   | 29,44,492       | 15,97,235        | 4,39,434        | 1,56,588         | 10,333          | 69,989          | 1,22,751           | 53,40,873 |
| July, .....   | 29,96,199       | 16,83,369        | 4,61,434        | 1,75,033         | 15,170          | 74,335          | 1,24,459           | 55,30,499 |
| August, ..... | 30,27,000       | 17,23,537        | 4,79,434        | 1,86,233         | 21,467          | 79,632          | 1,26,067           | 56,43,370 |
| September,... | 30,73,802       | 17,61,006        | 4,94,934        | 1,95,058         | 27,806          | 88,382          | 1,27,819           | 57,68,807 |
| October, ...  | 31,22,732       | 18,04,948        | 5,07,434        | 2,05,672         | 37,717          | 96,575          | 1,29,403           | 59,73,481 |
| November,...  | 31,73,520       | 18,64,220        | 5,24,434        | 2,15,519         | 46,368          | 1,02,641        | 2,00,186           | 61,26,887 |
| December,...  | 32,28,274       | 19,05,518        | 5,36,934        | 2,27,185         | 57,882          | 1,12,057        | 2,78,446           | 63,46,297 |
| <b>1851.</b>  |                 |                  |                 |                  |                 |                 |                    |           |
| January, ...  | 33,13,731       | 19,86,524        | 5,64,934        | 2,39,069         | 73,408          | 1,21,601        | 2,80,445           | 65,79,715 |
| February, ... | 33,74,523       | 20,20,751        | 6,05,934        | 2,53,259         | 89,408          | 1,33,067        | 2,91,246           | 67,68,192 |
| March, .....  | 34,55,275       | 21,13,605        | 6,47,234        | 2,67,122         | 1,01,988        | 1,46,528        | 2,93,171           | 70,24,926 |

24. The annexed running tables, which are always kept up to the latest possible date, show a total expenditure, up to April 30th 1851, of Rupees 72,45,560.\*

\* Adjusted total up to March 30th, 1851, ..... 70,24,926  
Unadjusted expenditure in April 1851, ..... 2,20,634

Total, ..... 72,45,560

25. In para. 9 of your letter of May 1st, 1847, sanctioning the prosecution of the works, "the Governor-General requests that the whole system of expending the public money, and auditing the accounts; may now be settled with the Military Board on the simplest and most perfect plan."

*Unadjusted Statement of expenditure on the Ganges Canal in each month from August 1st, 1848 to*

| Month.           | First Division. | Second Division. | Third Division. | Fourth Division. | Fifth Division. | Sixth Division. | Director's Office. | Total.   |
|------------------|-----------------|------------------|-----------------|------------------|-----------------|-----------------|--------------------|----------|
| <b>1848.</b>     |                 |                  |                 |                  |                 |                 |                    |          |
| August, .....    | 44,161          | 32,812           | 4,707           | 996              | ...             | 1,114           | 1,450              | 85,241   |
| September, ..... | 63,615          | 20,906           | 2,241           | 3,290            | ...             | 1,288           | 1,475              | 92,815   |
| October, .....   | 53,083          | 23,521           | 1,716           | 1,553            | ...             | 1,336           | 1,668              | 82,877   |
| November, .....  | 35,359          | 20,296           | 1,431           | 1,401            | ...             | 1,317           | 1,609              | 61,413   |
| December, .....  | 57,645          | 27,382           | 2,184           | 2,401            | ...             | 1,309           | 1,690              | 92,611   |
| <b>1849.</b>     |                 |                  |                 |                  |                 |                 |                    |          |
| January, .....   | 82,567          | 20,373           | 3,624           | 3,350            | ...             | 1,382           | 1,631              | 1,12,927 |
| February, .....  | 48,809          | 30,815           | 3,687           | 3,908            | ...             | 1,375           | 1,696              | 90,289   |
| March, .....     | 90,262          | 37,668           | 9,815           | 3,555            | ...             | 1,366           | 1,560              | 1,44,226 |
| April, .....     | 62,362          | 29,544           | 2,009           | 4,800            | ...             | 1,461           | 1,705              | 1,01,881 |
| May, .....       | 69,602          | 43,729           | 3,896           | 3,200            | ...             | 1,466           | 1,875              | 1,23,768 |
| June, .....      | 54,407          | 28,853           | 9,159           | 2,150            | ...             | 1,304           | 1,932              | 97,805   |
| July, .....      | 39,649          | 35,950           | 22,299          | 2,950            | ...             | 1,444           | 1,746              | 1,04,038 |
| August, .....    | 36,268          | 49,441           | 31,156          | 7,000            | ...             | 1,378           | 1,480              | 1,26,723 |
| September, ..... | 25,863          | 35,299           | 27,900          | 8,000            | ...             | 1,390           | 1,533              | 99,985   |
| October, .....   | 48,529          | 60,680           | 33,000          | 5,000            | 1,316           | 1,973           | 1,615              | 1,52,113 |
| November, .....  | 39,063          | 52,338           | 14,110          | 5,400            | 641             | 2,304           | 1,693              | 1,15,549 |
| December, .....  | 53,284          | 40,675           | 28,904          | 5,800            | 808             | 8,195           | 1,667              | 1,39,333 |
| <b>1850.</b>     |                 |                  |                 |                  |                 |                 |                    |          |
| January, .....   | 55,612          | 68,796           | 41,330          | 7,500            | 856             | 3,666           | 1,969              | 1,79,729 |
| February, .....  | 68,030          | 66,048           | 43,938          | 10,000           | 895             | 2,086           | 1,988              | 1,92,985 |
| March, .....     | 87,609          | 63,494           | 55,645          | 12,300           | 915             | 4,128           | 1,923              | 2,26,014 |
| April, .....     | 88,766          | 86,921           | 39,000          | 13,500           | 986             | 7,255           | 1,726              | 2,38,154 |
| May, .....       | 99,623          | 80,972           | 16,403          | 20,000           | 1,790           | 9,016           | 1,727              | 2,25,531 |
| June, .....      | 59,440          | 42,431           | 25,500          | 23,800           | 2,178           | 5,392           | 1,679              | 1,60,420 |
| July, .....      | 49,422          | 87,411           | 22,000          | 18,500           | 4,787           | 4,846           | 1,708              | 1,88,674 |
| August, .....    | 30,800          | 40,169           | 4,108           | 11,000           | 6,296           | 9,439           | 1,608              | 1,03,422 |
| September, ..... | 46,802          | 36,879           | 15,500          | 10,400           | 6,327           | 5,935           | 1,751              | 1,23,594 |
| October, .....   | 49,690          | 43,941           | 12,500          | 10,200           | 8,934           | 8,192           | 1,676              | 1,35,134 |
| November, .....  | 50,788          | 59,273           | 17,000          | 10,000           | 8,651           | 6,218           | 1,783              | 1,53,712 |
| December, .....  | 54,749          | 41,298           | 12,500          | 10,000           | 11,079          | 9,253           | 78,260             | 2,17,138 |
| <b>1851.</b>     |                 |                  |                 |                  |                 |                 |                    |          |
| January, .....   | 85,457          | 81,006           | 28,000          | 14,100           | 15,526          | 9,790           | 2,000              | 2,35,879 |
| February, .....  | 60,791          | 34,227           | 41,000          | 15,000           | 16,000          | 11,465          | 2,000              | 1,80,484 |
| March, .....     | 80,751          | 93,599           | 41,300          | 14,000           | 12,579          | 13,461          | 1,925              | 2,57,616 |
| April, .....     | 1,08,748        | 36,779           | 24,846          | 18,000           | 15,384          | 14,944          | 1,930              | 2,20,634 |

26. This subject immediately engaged the attention of the Lieutenant-Governor, and, on September 30th 1847, there were drawn up, printed, and published, "General Instructions for the Executive Officers on the Ganges Canal." The system of ac-

accounts herein embodied may be called that of quarterly bills and audit. It has been in use ever since, and has been found to work well. The Accountant's Department on the Canal works has been maintained always in the highest state of efficiency, and consequently a regularity and method has been introduced into the accounts which is the surest guarantee for the observance of a strict economy.

27. In order to satisfy himself of the mode in which the accounts were kept, the Lieutenant-Governor called upon the Military Board to furnish an account of the total Expenditure on the Canal up to May 1st, 1850. There was some difficulty in reconciling the account thus furnished with that given by Lieutenant-Colonel Cautley, and the latter immediately drew up a minute analysis of the items, making up the sum of Rupees 50,08,484, which had been expended up to that date. This document is so beautifully and clearly compiled, that it is sent in original with this letter as a specimen of the mode in which the accounts are kept.

28. It will be observed that the expenditure is classified thus.

|                                  |           |    |    |
|----------------------------------|-----------|----|----|
| Establishment, .....             | 4,95,126  | 8  | 2½ |
| Office Contingent Expenses, .... | 10,561    | 5  | 9  |
| Sundries, .....                  | 52,118    | 6  | 10 |
| Ordinary Repairs, .....          | 29,350    | 5  | 8½ |
| Original Works, .....            | 26,21,742 | 3  | 6¾ |
| Inefficient Balance, .....       | 17,99,585 | 15 | 2½ |
|                                  | <hr/>     |    |    |
|                                  | 50,08,484 | 13 | 2¾ |
|                                  | <hr/>     |    |    |

The amount in Inefficient Balance is unavoidably large, but this head is very carefully watched, and every effort made to adjust the items, as soon as the works on which they are due are sufficiently advanced to admit of the preparation of bills.

29. The Lieutenant-Governor hopes that the Most Noble the Governor-General will approve of the efforts which have been made to comply with the instructions of the Supreme Government, and that he will be pleased to forward this letter,

and its accompaniments, for the consideration of the Hon'ble the Court of Directors.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

**No. 36.**

**RAJBUHAS FOR THE GANGES CANAL.**

No. 2717 of 1851.

*To Lieut.-Col. P. T. Cautley,*

*Director Ganges Canal Works,*

*Mussoorie.*

*Dated Simla, the 31st July, 1851.*

SIR,

REVENUE DEPARTMENT, The Lieutenant-Governor has received your letter No. 591 dated July 7th, and addressed No. 476. to the Secretary Military Board, regarding Rajbhas on the Ganges Canal. As the subject is one which involves financial, rather than scientific, considerations, I have been instructed to consider it is addressed to myself and to dispose of it accordingly.

2. It is evidently of great importance that early attention should be given to the formation of the Rajbhas from the main trunk of the Canal, so that the water may be available for irrigation as soon as possible after its admission into the Canal. From your inspection report on the first division of the Ganges Canal No. 299 dated May 23rd, 1851, addressed to the Military Board, there seems good reason to anticipate that the Canal will be opened in the season of 1853-54, probably towards its close. In that event, irrigation can scarcely commence earlier than for the Rubbee following the rains of 1854. If, then, the Rajbhas are completed by September or October 1854, the desired object will be accomplished.

3. In the formation of Rajbhas, there are three items of expense,—the cost of preparatory survey, design, and superin-

tendence, the price of the land, and the expenditure on excavation. On the system now followed upon the older Canals, the expense of the first item falls entirely on the Canal Establishment. The Zemindars give the land without remuneration, for the reasons stated in your 7th para., and the cost of excavation is defrayed in the first place by the Government as Tuccavee, and afterwards recovered from the Zemindars, as they profit by the irrigation.

4. There seems to be no obstacle to the introduction of this system on the Ganges Canal with this only difference that being founded entirely on the assent of the Zemindars to the proposed terms, it may be more difficult to win their assent, when the benefit is prospective and contingent, than when it is immediate and palpable. There is, however, now the advantage of being able to appeal to the success of the plan, on the neighbouring Eastern Jumna Canal, where it was first organized, and where it is now in most beneficial operation.

5. It is evident that no delay should take place in the preliminary survey and design of these Rajbuhars. Much has already perhaps been done in the way of preparation for this work; but still the most careful examination of the country must be necessary before the actual determination of the lines of Rajbuhars. These lines must be assumed, not according to the chance applications, or wishes of the Zemindars, but according to the natural features of the country, so as to carry the water furthest and to the greatest advantage.

6. When this has been done, lists may be prepared showing the names, proprietors and capabilities of the villages, which may be supplied from each Rajbuhar. Estimates of the cost of construction may also be made, and its share of the cost apportioned to each village.

7. In the mean time every means should be used to make the system comprehensible to all those whose co-operation will be necessary for its introduction. Scientific treatises should be prepared for the persons who will be required to construct them, popular explanations for those to whom a general acquaintance with the subject only is requisite, and brief notifications to the villagers who will be mere witnesses of what will be done.



These papers, prepared both in the English and vernacular languages, may be printed and thrown into extensive circulation, not only by the instrumentality of the Canal and Civil Establishments, but also through the educational agency now at work in many districts, which affords peculiar facilities for instructing the people on such subjects.

8. Roorkee College should relieve you of all trouble in this respect. There are few subjects on which the students in that institution can be more usefully employed, than in the compilation of papers of the above character. You are requested to propose the subject to the Principal of the college, and to afford him all the information which may enable him to perform the work well.

9. It is probable that, when the Zemindars are sufficiently apprised of the nature of the scheme, they will consent to the construction of the Rajbuhās through their lands, themselves retaining the right of proprietorship, and not requiring compensation. If they do, their written consent should be taken, and they should be assured in writing of the undisturbed enjoyment of all the advantages which are likely to accrue from the retention in their own hands of the proprietary right. If, however, they decline compliance, and no other means exist for overcoming their reluctance, the land must be taken for the Rajbuhā, as for the Canal, or any other public purpose, and an annual remission of revenue must be allowed till they require the water for irrigation, and consent to the proposed terms. These terms may of course be made to include not only the cessation of future remissions, on account of the land, but the refund of those which have previously been granted.

10. When the Rajbuhās have been designed and estimated for, the amount of Tuccavee required for each division will be known, and application for it may be made in such amounts, and for such periods, as may at the time appear best. Economy will be consulted by foresight and judgment in timing this operation. The actual excavation of the Rajbuhā must not be commenced so early as to complete the channel before there is water to flow into it, nor delayed so long as to prevent the Zemindar from taking advantage of the first regular supply of

water. The experience in rates of labour obtained by the Canal Officers in the progress of their works, will probably enable them to calculate with nicety the time necessary to complete the excavation. It is evidently desirable that the Zemindars should be encouraged to make the excavation, by means of their own Assamees.

11. The course of operations which has thus been laid out, seems simple and easy of execution. There is ample time for its deliberate and careful completion. The Lieutenant-Governor has full confidence in your doing all that is needful. He promises you his cordial support, and leaves it to you to make such further specific applications as you may find to be necessary.

12. A copy of your letter and of this reply will be sent to the Military Board. A copy will also be sent to the Sudder Board of Revenue in order that it may be circulated to the Officers of the districts, which will come under irrigation from the Canal, so that they may be prepared to co-operate with you, to the utmost of their ability.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

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**No. 37.**

**EDUCATION OF CIVIL ENGINEERS AT ROORKEE.**

No. 128, A of 1851.

*To Sir H. M. Elliot, K. C. B.*

*Secretary to Government of India,*

*With the Governor-General.*

*Dated Simla, the 29th August, 1851.*

SIR,

GENERAL On various occasions lately, the Lieutenant-  
DEPARTMENT, Governor has brought before the Most Noble  
No. 158. the Governor-General, propositions for the enlargement of the means now in operation at Roorkee College for the education of Civil Engineers.

2. On August 28th, 1850, a proposal was submitted for Letter to Secy. with G. G. dated Aug. 28th, 1850. permitting European  
 Reply from ditto ditto Sept. 7th, 1850. commissioned Officers  
 of the Queen's and Company's Service to study at Roorkee  
 College.

3. On May 27th last, sanction was solicited to the attach-  
 Letter to Secy. with G. G. dated May 27th, 1851. ment of another En-  
 Reply from ditto ditto June 7th, 1851. gineer Officer to the  
 College to assist in the instruction of the numerous European  
 and Military Students.

4. On June 19th last, an estimate was given of the probable  
 Letter to Secy. with G. G. dated Mar. 19th, 1851. cost of establishing  
 Reply from ditto ditto Mar. 28th, 1851. at Roorkee a Depôt  
 Letter to ditto ditto June 19th, 1851. of Mathematical and  
 Reply from ditto ditto July 10th, 1851. Scientific Instruments, and a workshop for their manufacture  
 and repair.

5. On October 14th, 1850, the Most Noble the Governor-  
 General was pleased  
 Letter to Secy. with G. G. dated Oct. 5th, 1850. to sanction the trans-  
 Reply from ditto ditto Oct. 14th, 1850. fer of the Magnetic  
 Letter to ditto ditto July 4th, 1851. Observatory Press to  
 Reply from ditto ditto July 10th, 1851. the Roorkee College, and on July 4th last it became necessary  
 to solicit His Lordship's approval to some increase to the estab-  
 lishment of printers consequent on the transfer.

6. These propositions have severally obtained the approval  
 of the Most Noble the Governor-General, and have been sub-  
 mitted with His Lordship's recommendations for the sanction  
 of the Hon'ble the Court of Directors. But the Lieutenant

V. para. 4 of letter to Secretary with Governor Governor, whilst mak-  
 General, dated July 4th, 1851. ing these applications,  
 has been sensible that they were incomplete and, that in order  
 to place the whole scheme fairly before the Government, it was  
 necessary to bring together these several projects, and to shew  
 how, and at what cost, they might be made to form a complete  
 system for the supply of a great national want.

7. To do this even in the most concise form, and to state  
 the question so as in any degree to fortify it with the arguments  
 which might be urged in its support, must occupy much space

and involve a reference to maps and plans. The perusal of any such memoir, in manuscript would be fatiguing, and the formation of the necessary number of copies would be a tedious and expensive process.

8. On this account the whole scheme has been thrown into the form of a brief pamphlet\* with illustrative plates, which has been printed at Agra. Six copies of this pamphlet are forwarded with this letter.

9. The Lieutenant Governor hopes that he has succeeded in placing the subject before the Government in a form, which will facilitate its consideration. He has endeavoured to state the question as fairly as he can. There is every wish to avoid overstraining the advantages to be derived from such an institution, or under-rating the expense which it must entail to render it really efficient. Meanwhile every inducement to perseverance in maturing the project is derived from the constant applications which are made, from all parts of British India, for information as to the mode of instruction pursued in the College, for the publications which already have commenced to issue from its press, and for the services of men who have been trained within its walls. When these numerous evidences are afforded of the want of some such Institution as this, and of the adaptation of the present College to the supply of that want, the Lieutenant Governor feels that he would be wanting in his duty to the state, if he failed in any exertion to give to the College, in all its Departments, the highest efficiency it is capable of receiving.

10. Influenced by these feelings and encouraged by the cordial approval hitherto bestowed on the several parts of the scheme, the Lieutenant Governor desires me to submit the project for the consideration of the Most Noble the Governor-General, in the hope that it may receive His Lordship's support and recommendation to the Hon'ble Court of Directors for their sanction to the requisite expenditure.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

\* Introduced near the end of this Volume.

## No. 38.

## MOOLKEE TREASURY AT BENARES.

No. 3174 of 1851.

*To W. Muir, Esquire,**Secretary to the Sudder Board of Revenue**N. W. Provinces, Agra.**Dated Simla, the 6th September 1851.*

SIR,

REVENUE I am desired to acknowledge the receipt of  
DEPARTMENT, your letter dated November 22nd, 1850. No.  
No. 111. 576, regarding certain customary payments  
made from the Collector's Treasury at Benares, to the Rajah of  
that province.

2. These payments are treated of by Mr. Reade under the  
three heads of Moolkee Treasury, Duftur Sahee, and Stationery,  
(v. para. 2 of his letter of October 31st, 1850,) but they seem  
to be the same, which are all denominated as the Duftur Sahee,  
in a letter from the Collector of Benares, dated January 30th,  
1839 (enclosure No. 19 of your letter) and are there enumerated  
as follows :

|                               |                              | Per<br>Mensem. |   |   | Per<br>Annum. |   |   |
|-------------------------------|------------------------------|----------------|---|---|---------------|---|---|
| 1.                            | Moolkee Establishment, ..... | 1,091          | 0 | 0 | 13,128        | 0 | 0 |
| 2.                            | 3 Peons, .....               | 12             | 0 | 0 | 144           | 0 | 0 |
| 3.                            | Moolkee Treasury, .....      | 77             | 0 | 0 | 924           | 0 | 0 |
| 4.                            | Country Stationery, .....    | 0              | 0 | 0 | 816           | 2 | 0 |
| Total Rupees per Annum, ..... |                              |                |   |   | 15,012        | 2 | 0 |

These sums are at present paid to the receipt of the Rajah of  
Benares, without any control being exercised over the disburse-  
ment ; and the question for decision is, whether the Government  
is bound to continue the payments.

3. The payment is claimed, and said to be made, under Clause  
2 of the agreement entered into between Rajah Mahipnarain,  
and Mr. Dunean, Resident at Benares, dated October 27th, 1794.

A translation of this agreement is to be found in Harington's Analysis, Vol. 2, page 269. The agreement in fact transferred the local administration of the province of Benares to the British Government on certain conditions. The 2nd clause runs thus—

“2nd.—The Revenue Settlement made of the lands within

دفعہ دویم اینکه انچه بندوبست محاللات راج  
بنارس وغیرہ از حضور مستردکن صاحب بہادر  
باطلاع و منظوری راجہ سیب ناراین سنگیہ  
بہادر گردیدہ پتہ و رسید و فارغخطی از دستخط  
و مهر راجہ معز الیہ بعاملان و زمینداران و  
مستاجران دادہ میشود و دفتر و خزانی راجہ  
موصوف کہ از ہمیشہ برای اجرای امورات  
ملکی می باشد دستخط و مهر و دفتر و خزانی  
بدستور بحال برقرار باشد \*

the Ranj of Benares, &c. having taken place with the privity and approbation of Rajah Mahipnarain Singh, the pottahs, receipts, and farughkhutties, or acquittances, are passed under the seal and signature

of the said Rajah, to the aumils, zemindars, and farmers; and the dufur or office, and khazanehi, or treasurer of the said Rajah, having always remained for the carrying on of the country [i. e. revenue] business, the said signature, seal, office and treasurer are to remain in force and be continued as usual.”

4. Alterations in the form of administration subsequently introduced by the British Government, one of the parties to this agreement, have made the clause a dead letter. The permanent settlement of the whole province, the discontinuance of the management by aumils, the formation of the province into four districts, and the collection of the land revenue through taluaseeldars, and not huzoory, have altered the forms of the administration. Pottahs, receipts and acquittances are seldom if ever given from the Benares Treasury, and of course the Rajah's privilege of attaching his seal and signature to such documents has passed away. Still the British Government was bound by its engagement to maintain the office, then in existence for the purpose, and cannot now recede from the stipulation. On this basis, the question may be equitably settled. The point for determination is, What were the dufur or office and khuzanehi or treasurer, entertained by the Rajah in 1794, and referred to in the agreement. When this point is settled,

the payment may be made to the Rajah, and he may be allowed to draw it annually and spend it as he likes.

5. There seems no doubt that the treasurer alluded to, was the officer whose salary was fixed by Mr. Duncan on September

V. Encl. No. 6.

25th, 1790, at 100 Rupees per mensem, from the beginning

of 1198 Fusilly, who is referred to in the note appended to the list of establishment sanctioned by the Governor-General in

V. Encl. No. 13.

Council on July 17th, 1795, who is reported by Mr. Rout-

ledge to be still entertained on June\* 27th, 1801, and who is mentioned in a letter from

\* V. No. 8 of Encl. No. 14.

the Collector of Benares, dated

July 20th, 1808, as connected with the Moolky Treasury held in a separate place in the city

V. No. 11 of Encl. No. 14.

by itself at some little distance

from the Collector's Treasury at Madhoo Doss's garden.

6. It is not so easy to determine from the papers now furnished what was the duftur or office alluded to in the 2nd clause of the agreement.

7. The Lieutenant Governor cannot concur with the Commissioner in identifying this office with any of the establishments, the cost of which is now defrayed by the Government.

8. The Moolky establishment of 1094 per mensem was fixed by Mr. Duncan at the end of

Encl. No. 3.

1788, and was a reduction of

the Rajah's general establishment, effected with a view to make his expenditure such as to allow of his paying the forty lacs per annum which he was then bound to make them good. It was distributed thus—

|                    |        |                    |
|--------------------|--------|--------------------|
| Mootsuddies,.....  | at 474 | Rupees per Mensem. |
| 10 Horsemen, ...   | at 300 | ditto ditto.       |
| 60 Peons, .....    | at 200 | ditto ditto.       |
| 40 Hircarrahs, ... | at 122 | ditto ditto.       |

---

Total, ... 1,094 Rupees.

This item of 1094 Rupees per mensem for Mootsuddies, &c. seems to be regularly traceable in each year's accounts till on

June\* 2nd, 1801, the Collector Mr. Routledge reports "that the Horsemen, Peons and Chuprassees were allowed as a part of the Rajah's retinue, and may therefore be discontinued." The sum is stated to have been then distributed as per margin.†

|                                                  |           |                 |
|--------------------------------------------------|-----------|-----------------|
| 10 Horsemen for the Rajah's personal attendance, | 260 0 0   | 9. It is        |
| 60 Peons for the ditto ditto                     | 240 0 0   | very true that  |
| 40 Chuprassees for ditto ditto                   | 160 0 0   | the modern      |
| Establishment, Mootsuddies,                      | 436 0 0   | distribution of |
|                                                  | <hr/>     | this amount     |
| Total,                                           | 1,094 0 0 | is very differ- |

N. B. The details of the establishment show that it was maintained for the service of the Treasury. It is given in detail in the margin of the Collector's letter of January 30th, 1839 [Enclosure No. 19] and may be thus summed up.

|                                                     |           |
|-----------------------------------------------------|-----------|
| Establishment at Collector's Office, Benares, ..... | 269 0 0   |
| Ditto ditto Jounpore, .....                         | 160 0 0   |
| Ditto ditto Mirzapore, .....                        | 160 0 0   |
| Ditto ditto Ghazee pore, .....                      | 160 0 0   |
| Retinue of the Rajah, .....                         | 345 0 0   |
|                                                     | <hr/>     |
| Total per mensem,...                                | 1,094 0 0 |

But this was not made till late times, and is believed to be mostly fictitious.

10. It may further be observed that not only has the nominal constitution of this establishment been completely changed of late years, but that it has also been employed in a novel manner, not contemplated in the agreement of October, 1794. From the replies of the several Collectors to the Circular enquiry addressed to them by the Commissioner on June 29th, 1850, it

See Enclos. Nos. 27, 28, 29, 30 and 31. would appear that the persons maintained by the Rajah at

the several Collectors' offices are employed in copying any of the office records that they please, and exercise an indiscriminate right of examining into the accounts and official proceedings of the British officers. This is totally unwarranted and is opposed to the whole spirit of the engagement of October, 1794, which cut off the Rajah from all connection with the administration, in consideration of the payment of a fixed sum from the treasury,



and only maintained his seal and signature to certain documents, pro forma, as a matter of compliment. Probably good rather than harm may result from the Rajah's proceedings, and in the case of the Mirzapore embezzlement, the production of a duplicate perwannah from the Rajah's dastur, was actually beneficial; still if the practise is claimed as a right, and application consequently made for remuneration, it is time carefully to examine into the ground of the claim, and to reject it, if unfounded, as it apparently is.

11. No authority is produced for the payment of the trifling item mentioned as the 2nd in para. 2 of this letter, viz. 4 peons at 3 Rupees each, 12 per mensem, 144 Rupees per annum. Probably it was a casual payment, accidentally perpetuated, and may already have been detected and stopped under the strict audit that now prevails.

12. The 3rd item of 77 Rupees per mensem, or 924 Rupees per annum, on account of the Moolkee Treasury, is nominally distributed thus—

|                      |            |
|----------------------|------------|
| Treasurer, .....     | 50 Rupees. |
| 2 Mootsuddies, ..... | 20 ditto.  |
| 2 Peons, .....       | 7 ditto.   |

---

Total, ... 77 Rupees.

From para. 4 of the Collector of Benares' letter of January 50th, 1839, [Enelo. No. 19] this sum seems to have been constantly changed and only to have been fixed at its present amount in March, 1829. As far as can be gathered from the correspondence between the Collector and the Board in 1808 and 1809, this establishment grew out of the apparent anomaly of having a treasurer on 100 Rupees per mensem, without any distinct separate establishment. It has been always held discretionary, and is now reduced even below the amount originally assigned to the treasurer alone, so little of permanence has hitherto attached to the establishment, distinctly mentioned in the agreement of October, 1794.

13. The 4th item of Rupees 816.2 per mensem for stationery, is made to rest on authority for its continuance given by the Board of Revenue on November 29th, 1808, but it seems to

have originated on an earlier date, even in the time of Mr. Duncan, and may on further investigation be found to be part of the charge on account of the duftur which existed in 1794. This point requires further enquiry.

14. It may hence be gathered that the present correspondence affords no sufficient ground for deciding what was the charge for the duftur entertained by the Rajah in 1794, to the maintenance of which the Government stands pledged. It is difficult to conceive that this point may not even now be readily ascertained. The accounts of that period were punctually kept and have been preserved somewhere or other. A reference to them ought to settle the point.

15. If it were necessary to determine it from the papers now discovered, it might be assumed thus—

|                                                    |     |     |   |   |
|----------------------------------------------------|-----|-----|---|---|
| Treasurer,.....                                    | Rs. | 100 | 0 | 0 |
| Mootsuddies, as fixed by Mr. Duncan in 1788, ..... |     | 474 | 0 | 0 |

with some reasonable allowance for stationery. But it is preferable not to leave the question in this state of uncertainty, when further examination may set it at rest.

16. It has been thought right to examine this question thoroughly, not so much on account of the sum which it involves, as on account of the claim deduced from it. The Rajah in fact considers himself entitled to maintain in every Collector's office, and at the expense of this Government, an establishment to exercise a kind of espionage over the proceedings of the Collectors. This is a claim which should not lightly be admitted. It has sprung out of the complimentary consideration in questions of form shown to Rajah Mahipnarain in 1794, and has assumed its present aspect from the absence of all motive for concealment, on the part of the British officers. The privilege claimed by the Rajah of Benares is in fact exercised by every one. Under the Board's Circular Order of February 25th, 1848, [v. Directions for Collectors, App. No. XV.] any person by applying to the Record-keeper may make copies of any papers he requires. But constituted as matters now are, the Rajah in this respect should stand upon the same footing as the others, with whom his interests are not unfrequently found to be conflicting.

17. If the British Government consents in the spirit of the convention of October, 1794, to continue a payment for which no necessity now exists, the Rajah should engage on his part to abstain from all claims not warranted by the convention, or even to surrender a right which has fallen into disuse. If the Rajah adheres to his right to sign and seal all pottahs, receipts, and acquittances, the Government may insist on the due entertainment, actual muster and constant attendance of the whole establishment for that purpose only, whenever it is to be performed. If the enforcement of the latter stipulation is seen to be absurd and useless, the enforcement of the Rajah's claim is no less superfluous. It would be better then to place the matter on its true footing. The Rajah should waive his claim to a nominal compliment, and the Government should punctually pay the sum for a nominal establishment.

18. It seems of some importance to place this question in a proper light, when the Government is called upon to make a formal and final adjustment of its terms. The Lieut.-Governor has therefore stated his views at some length and he requests that they may be explained to the Rajah, and that the Commissioner Mr. Reade may be invited to consider them and to report the result of his further researches on the subject. The industry and care he has already shown in the investigation can scarcely fail to lead to a satisfactory conclusion on the subject.

I have the honor to be, &c.

J. THORNTON,  
*Secretary to Government, N. W. P.*

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## No. 39.

## ROORKEE WORKSHOPS.

No. 313 A of 1851.

*To the Military Board,**Fort William,**Dated Simla, the 15th September, 1851.*

GENTLEMEN,

REVENUE I am directed to acknowledge the receipt of  
DEPARTMENT. your letter No. 3700, dated 5th ultimo forward-  
No. 252. ing, with your own observations, extraets from  
Lieut.-Colonel Cautley's Inspection report of the Northern or  
1st Division of the Ganges Canal, on the subject of the esta-  
blishments at Roorkee.

2. The Lieut.-Governor entirely concurs with the Board in their opinion that the establishment in connection with the iron and timber yards and the workshops at Roorkee, should be put on the most efficient footing. Now that steam machinery will be extensively used there, it is most important that persons be always on the spot, competent to use the power to the best advantage, and to prevent the terrible accidents which may arise from ignorance, or carelessness in its management.

3. The entertainment of two Mootsuddies for the iron and timber yards was sanctioned on August 8th last.

4. Lieut.-Colonel Cautley further advocates the appointment of a Deputy under Lieut. Allen, on a salary of 250 Rupees, and two assistants on salaries of 200 Rupees per mensem. The Deputy, however, is to be mainly employed in the Mathematical Instrument Department, the proposal for the formation of which is still under the consideration of the Hon'ble Court of Directors. It might be better to assume the establishment as proposed, and to leave the distribution of the labour to depend on the particular talent of the persons employed. It is not very apparent whence, or from what class of persons, Lieut.-Colonel Cautley proposes that the Deputy and Assistants should be drawn. It will be far better if they can be engaged in this country, otherwise they must be brought out at a great expense from England. But there is nothing to which the Lieutenant-

Governor would more earnestly direct attention than the importance of educating in this country, persons who will be competent to perform all these duties. So long as we are dependent on England for our agency, the work must be expensive and liable to constant interruption. It is with this view that it is worth while, even at some immediate increased cost, to form Roorkee into a great school for every branch of engineering labour. The science and the theory may be taught in the College, and the practice acquired on the brick fields, in the workshops, and on the edifices which are rising there in every direction. Education does not consist in mere book-learning, which will pass off to advantage in a set examination. It consists also in the habits of industry, method, observation and practical skill, which can be best acquired amongst such works as those which exist at Roorkee. It is not therefore just to rate the establishment, which may nominally be attached to the Canal, at the bare and pressing exigencies of the works on the spot. They may be more liberally viewed, as the school, whence may issue forth tried, and well instructed, men, able to benefit the Government in other spheres, or qualified to contribute their labour under other employers to swell the wealth and the resources of the nation. In this point of view it is well deserving of consideration, whether a few persons, with small allowances, might not be advantageously employed as apprentices, either from the Government Orphan Institutions at the Presidency, or the Martiniere, or the Lawrence Asylum near Kussowlee, or some of the numerous other educational establishments throughout the country. The apprenticing Act [XIX. of 1850] affords great facilities for accomplishing this object well, and economically.

5. Your Board's proposal for the establishment of an iron Foundry at Roorkee meets the entire concurrence of the Lieut.-Governor. Some such establishment is necessary to turn to account, not only the waste iron in the Magazines, but also the stores of fine iron ore which abound in the Himalayan range immediately overlooking Roorkee. Lieutenant-Colonel Cautley will be invited to enter on consideration of this subject, to furnish a design and scheme for the formation of an Iron Foundry.

6. The Lieutenant-Governor considers it quite superfluous to repeat his admiration of the talent and spirit displayed by Lieutenant-Colonel Cautley in this report, and in all to which he puts his hand. His greatest praise is, that he succeeds in inspiring those who work under him with a zeal which well seconds his own, and reflects the highest credit on all.

7. A copy of your letter and of this reply will be sent direct to Lieut.-Colonel Cautley, in order that he may give his immediate attention to the topics discussed.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

#### NO. 40.

#### GOVERNMENT DISPENSARIES.

No. 137 A of 1851.

*To Sir H. M. Elliott, K. C. B.*

*Secy. to Government of India,*

*With the Governor-General,*

*Dated Simla, the 13th September, 1851.*

SIR,

GENERAL DEPARTMENT. In former communications the Lieut.-Governor has endeavoured to explain the restrictions under which it seems to him that the number of the Government Dispensaries may be safely increased. There is no doubt of the great utility of such establishments, but some caution is requisite to guard against their multiplication, so as to be a heavy burden on the finances, without corresponding advantage to the people.

2. The conditions which the Lieutenant-Governor observes in his recommendations are these, viz :

*First.*—That the position of the proposed dispensary be in a place of sufficient importance, as regards the sanitary wants of the place itself, and its neighbourhood.

*Secondly.*—That the people of the place evince a sense of the

value of the Institution by erecting at their own cost a suitable building, and combining to do what they can from their own resources.

*Thirdly.*—That the service of a Sub-Assistant Surgeon be available to undertake the duties.

3. When the two first conditions are fulfilled, application is made to the Supreme Government for sanction to the measure. That being obtained, the Dispensary is established when the third can be fulfilled. This is a course, which has hitherto obtained the approval of the Supreme Government, and the confirmation of the Hon'ble the Court of Directors.

4. In conformity with these principles, the Lieutenant-Governor requests that

\* From Offg. Commr., Meerut Div.

No. 69, dated 16th June, 1851, with Enclosr.

To Do. No. 1082 of 18th July, 1855,

To Medical Board No. 1083, Do. Do.

From Do No. 341, of 28th Do.

you will lay before

the Most Noble the

Governor-General the

papers noted in the margin,\* and solicit sanction to the establishment of a Dispensary at Ally Gurh.

5. Ally Gurh or Coel is itself a large town with a population of more than 36,000 souls.\* It is the centre of a large district containing many considerable towns, and with a total population of 7,39,356 persons. It is situated on the Grand Trunk Road, where the traffic and resort of passengers is now great and is constantly increasing.

6. The residents at Ally Gurh have exerted themselves with much spirit for the supply of their wants. They have erected from their own resources a commodious building at the cost of 1,100 Rupees. They have collected a further sum of 7,525 Rupees as an endowment, and raised by monthly subscriptions for current expenses, in the year 1850-51, the sum of 723 Rs. 8 annas. These liberal contributions enabled them in the past year to afford gratuitous medical relief to 2,092 persons. If the Government will place the institution at Ally Gurh on an improved and permanent footing, they are ready to direct their own efforts to the establishment of branch dispensaries at Hattaras and Secundra Rao, and other important places in the District. The second of the conditions has been well and nobly fulfilled.

\* By the last Census the population is 55,000.

7. The Lieutenant-Governor hopes therefore that he may

|                                                               |            |
|---------------------------------------------------------------|------------|
| * Allowance to Assistant Surgeon,                             | 30 0 0     |
| Sub-Assistant Surgeon,                                        | 100 0 0    |
| Subordinate Medical Establish-<br>ment and Hospital Servants, | 40 0 0     |
| Bazar Medicines,                                              | ... 20 0 0 |
| Dieting Patients,                                             | ... 10 0 0 |

Total 200 0 0 per mensem.

obtain the sanc-  
tion of the Most  
Noble the Go-  
vernor-General to  
the establishment  
of a Dispensary,

at the usual charge mentioned in the margin\* as soon as the Medical Board can hold out the expectation of being able regularly to supply a Sub-Assistant Surgeon.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

#### No. 41.

#### SETTLEMENT OF NIMAR.

No. 2416 of 1847.

*To R. N. C. Hamilton, Esquire,*

*Resident at Indore.*

*Dated Lieut.-Governor's Camp, the 8th June, 1847.*

SIR,

REVENUE DEPARTMENT, N. W. P. With reference to my letter to your address, dated 3rd September, 1846, No. 3771, I am now desired to communicate to you the instructions which the Lieutenant-Governor is pleased to issue, regarding the Revenue Administration of Nimar, after having perused the replies to the queries forwarded with my former letter, and after having enjoyed the opportunity of conferring with yourself and Captain French, and the most intelligent of the native community at Mundlairsir, during his late visit.

2. It seems to be undoubted that hitherto there has been no private property in the soil, recognized by the Government, or claimed by individuals. All are agreed that the Government is the owner of the land, and that no sale or mortgage of the land can take place without the permission of Government.



Old resident cultivators possess a right of occupancy so long as they pay their rents. The pergunnah officers, *i. e.* the mundloee and kanoongoe (here called zemindars) have a right to certain dues, and the village officers, the patel and putwaree, to other dues, but none of these lay claim to more than their customary dues. The farmers, who have hitherto rented the villages, have not in that capacity any claim to proprietary right. Many of them have gladly availed themselves of permission to resign their leases; all admit the right of Government to make a new arrangement, on the conclusion of their leases, in such way as may then seem best.

3. This state of things has probably arisen from the paucity of cultivators, and from the abundance of good land, which requires little labor and capital to render it productive. The unsettled political state of the country for a long period prior to the establishment of British supremacy no doubt contributed to this state of things. It has been continued and confirmed by the constant pressure of a rate of assessment, which left so small a profit to the industrious cultivator of old occupied land, as to afford no sufficient inducement to the investment of capital either in the extension or improvement of cultivation. The first mentioned of these causes are beyond immediate remedy, they will gradually correct themselves. The last is in the hands of Government. It is always in their power, by reducing the amount of the assessment, to create a valuable property in the land, and to render the acquisition of such property a desirable object to the capitalist as well as to the mere agriculturist.

4. In a highly cultivated country, the assessment cannot be reduced so as to accomplish this object without considerably affecting the revenue of the State; the prospect of pecuniary return being only distant and perhaps uncertain. But in a thinly peopled country, where much good land is available, the partial sacrifice is immediately compensated and the State, as well as the individual, derives profit from the reduction of the assessment. The fixed revenue is certain and punctually paid, and new lands are rapidly brought under cultivation and rendered productive.

5. It is only necessary to be careful that the proprietary right in the soil is conferred on those who have the best right to it, and are the most likely to use it well, and that arrangements be made for its exercise in such way as may be most for the advantage of the proprietors. The inducement also to the cultivation of new lands must not be such as to draw off laborers from the old land, or to deter the resident proprietors from the improvement of the land which they already possess.

6. The Lieutenant-Governor is of opinion that the persons best entitled to be recognized as proprietors, are the old resident cultivators, *i. e.* the *joonardars*. These persons already possess a right of occupancy, a tenant right, and there is no person over them as landlord who can advance any superior right.

7. Captain French has therefore taken the first step aright, in removing the farmers and in collecting direct from these cultivators. He leaves these persons at liberty to cultivate or not, as they please, the land which they hold. He ascertains by measurement at the commencement of each year how much each man cultivates, he fixes upon the land so cultivated a moderate money rate, varying according to the nature of the soil and the estimation of the land, and he collects the sum thus fixed from each individual cultivator. By reducing the rate on the most improved land, and by fixing a low maximum rate, he will encourage cultivators to settle on the land.

8. It will then be possible to advance a step further. By inducing the cultivators to bind themselves to pay a fixed sum for a term of years on account of the whole land which each man is entitled to cultivate, a property in the soil may be created, and this property should be at once declared to be heritable and transferable, at the will of the owner, and without reference to the Government.

9. But the properties thus created will be small in extent, they will be liable to much fluctuation in value, according to the industry or capacity or prosperity of the owner, and it will be difficult as well as expensive for the officers of Government to make the collections from them. It remains, therefore, for consideration whether the Government may not, by some further sacrifice of immediate revenue, form a more valuable

species of property, the returns from which shall be regular and certain, and the collections from which may be made without that constant and vexatious interference of the Government servants, which is necessary when many small sums have to be collected from numerous individuals.

10. The Mouzahwar system which prevails in the North Western Provinces would secure this object.

11. Under that system the boundaries of every mouzah or village would be determined, a measurement would be made of the lands of the village, and a map compiled which would serve as a permanent record of the holdings of all the cultivators.

12. A jumma would then be fixed on the village equal to 2-3rds the present fair average annual rental, supposing the whole of the lands to be cultivated, or at more than that, supposing a portion of them to be waste and capable of cultivation.

13. The village with this assessment should then be offered to the joonardar, who would distribute the Government jumma upon their holdings and agree to become severally and jointly responsible to the Government for the payment of the whole revenue.\* The particulars of this arrangement might be left to themselves, as well as the remuneration to be given to their representative, the patel, and their accountant, the putwaree. The lease would run for a term of 20 or 30 years, and be renewable on similar terms, upon the then assets of the village. If all the joonardars are unwilling to accede to these terms, a certain number of them might accept them, and form themselves into a community, to whom the rest would pay as to Government under the Khalsa system.

14. It may, however, be useful to point out the usual way of effecting this object. Let us suppose a village to yield 100 rupees per annum as the fair average rental paid under the Khalsa system by three cultivators, A paying 50, B 30, and C 20. The annual revenue of this village under the mouzahwar system may be 70 rupees, which would be thus distributed: 35

\* The tenure would be of the nature contemplated in para. 95 of the Directions for Settlement Officers.

on the holding of A, 21 on that of B, and 14 on that of C. The waste culturable land would be divided in similar proportions. Then A would be bound to pay one half the village charges, B three tenths, and C one fifth, whatever they might be.\*

15. Supposing, however, that the village under the Khalsa system paid 200 rupees, and that three only of the cultivators owning the fields, as above, agreed to take the lease for 140 rupees, the other cultivators preferring to remain as in the Khalsa system.† Then A would have to pay 70 rupees, B 42, and C. 28, and each would collect proportionally from the non-proprietary cultivators, enjoying his share of the profit from that source as well as from his own cultivation and from his portion of the waste land.

16. The Government revenue would be regularly paid by instalments through the patel and all interference on the part

See paras. 34 and 35, Directions for of the Government officers prohibited so long as the jumma

was paid. But if a balance should accrue, it would then become the duty of the Collector to ascertain from whom it is due and to demand it from him. If the defaulter is unable to pay, his

land may be offered to the others (a) on the condition of their paying the balance, or the whole village may be held Khalsa (b) or farmed (c) or sold. (d) In these latter cases

See these several processes explained in sec. II. of Directions for Collectors.

(a) Paras. 81-83.

(b) Paras. 71-77.

(c) Paras. 84-89.

(d) Paras. 90-100.

all the proprietors will have to pay according to the pergunnah rates, whatever they may be, as under the Khalsa system, and they will lose the absolute proprietary right which was conferred on them at the time of settlement.

17. Perhaps the joonardars may decline to take the village on these terms, and may be content that the patel or even some person unconnected with the village be invested with the proprietary right on the same terms as were offered to themselves,

\* This is a tenure of the nature mentioned in para. 95 of Directions for Settlement Officers.

† This is a tenure of the nature described in paras. 89 and 94 of Directions for Settlement Officers.

they consenting to pay to him for their actual cultivation as under the Khalsa system. To this there would be no objection. It is only necessary that in each case the whole arrangement with all its particulars be placed on record, so as to form a complete and consistent rule for the regulation of all rights in the village.

18. With regard to the patels, it would appear that Captain French has lately allowed them 5 per cent. on the collections from the village. This no doubt is politic under the Khalsa system. It interests the patel in the prosperity of the village, and will be an inducement to exertion and industry. But it is a measure of policy, not of right. The patel, so long as he efficiently performs his duties to the satisfaction of his employers, should receive this remuneration, but he has no abstract right to its enjoyment. If he fails in his duties he may be deprived of it. If under another system his services are not wanted, it may be discontinued. Under the Mouzahwar system the community of joonardars, or the individual proprietors, may propose some other mode of remuneration or may wish to dispense with him altogether. They should be considered at liberty to do so. Under the Khalsa system it may be politic to allow the patel 5 per cent. on the collections to secure his influence and assistance, but it cannot be politic to burden the lands with this payment as a due of the patel, whether or not his services be required or efficiently rendered. Whatever may be elsewhere the rights of the patel, it is certain that in Nimar ever since the introduction of the British rule, he has enjoyed no such right, and there is no necessity for now creating it.

19. The means to be adopted for bringing waste lands under cultivation, will require some consideration. Provision has been made for the cultivation of all land lying within the limits of settled villages, but there are many uninhabited villages, and there are many culturable portions of villages, of which no Mouzahwar settlement will have been made, and for the cultivation of all these lands it will be necessary to provide. It is understood that at present culturable waste lands are given rent-free for 5 years, and that the full rates are then demanded at once, or after the interval of a year. So sudden a rise is not

likely to be beneficial, but perhaps lower and fixed terms might conduce to the more rapid cultivation of the lands. This may be left to Captain French's discretion, care only being taken that the terms be not so favorable as to allure people from the old lands to settle on the new. In the forests along the foot of the Himalayah Hills, it is the practice to give long leases of large tracts of forest lands on very favorable terms, but this plan could not advantageously be extended to Nimar. The land will gradually come under cultivation as the population increases, and as the people obtain confidence in the system of revenue management, and are convinced of its advantages. If hereafter good is likely to result from the grant of large tracts of waste land on favorable terms for long leases, a proposition to that effect will receive attention.

20. In thus sketching out the method in which it appears to the Lieutenant-Governor that the Mouzahwar system may be introduced into Nimar, he is desirous to be understood as recommending rather than directing such a course. He would wish its adoption to rest on a perception of its benefits both by the officers who are to carry it into execution, and by the people who are to come under its operation. Many influences will be at work to countermine it. The Khalsa or Assameewar system affords support to a large number of subordinate officials, who thus have opened to them numerous methods of interference and of petty gain. Even the village officers derive greater power and importance, if not emolument, from being in direct communication with the Government, than from being the mere servants of the village community. But if the people can once be led to see the advantages of the system and to apply themselves to the easy task of self-government which it involves, there is little doubt but that the plan will succeed, and that property in land will become a safe and desirable mode of investing capital.

21. It must not moreover be supposed that when once a Mouzahwar settlement has been made, the Collector's work is accomplished, and a machine set in motion which will work on unaided. In the first introduction of the system especially, great care and constant attention are requisite. No ordinary

degree of foresight is needed on the first settlement of a village, so to define and record the custom of the tenure, as to meet the exigencies of most ordinary occurrences. Difficulties will arise, and disputes will occur, which must be immediately examined and decided, and their future occurrence provided against, if necessary, by some new stipulation in the village rules. All such cases are disposed of, especially on their first origin, by communication with the people and by arbitration amongst themselves. The duty of the Collector will be rather that of explanation, and of instruction, than of decision. The people themselves will be willing enough to slur over a difficulty and to be content with a temporary remedy. It will be the Collector's duty to point out to them the whole bearings of the case, to represent its possible consequences, perhaps to suggest apparent remedies, but to leave to themselves, as much as possible, the adoption of the particular rule which they will have afterwards to carry into practice.

22. Caution and patience must also be used in first introducing the system; the leaseholders of villages must not be held too strictly to their engagements, till confidence is created and the custom established. A few failures should not discourage from further attempts. Resignation of the lease should at any time be accepted till the value of the property is felt and acknowledged. The first sales must be conducted with great caution.

23. It may be useful, in conclusion, to point out the three kinds of tenures which it is proposed to introduce into Nimar.

*1st.* The Assameewar, where an individual cultivator undertakes to cultivate for a fixed sum a certain plot of ground having defined limits; so long as he pays his rent, no enquiry will be made into the mode in which he manages his land.

*2nd.* The Mouzahwar tenure by a community, where all the community become severally and jointly responsible for the payment of the sum fixed on their village, the profits being distributed amongst them according to some recorded local rule.

*3rd.* The Mouzahwar tenure by an individual, where the cultivators continue to cultivate and to pay their rents as in the Khalsa system, but to an individual proprietor, instead of to the Collector.

24. It will be perceived that the first tenure may co-exist with the third and even with the second. The proprietor of a few fields in a village, may hold under an individual or a community, in the same way as he would under the Government if the village were Khalsa.

25. It will also be perceived that a tenure of the second description, when sold for arrears of revenue to an individual, will fall into the third class, the cultivators being no worse off than they were under the Khalsa system. The Government only sells that which itself created.

I have, &c.

J. THORNTON,  
*Secy. to the Govt., N. W. P.*

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No. 42.

REVENUE ADMINISTRATION OF NIMAR,  
FOR 1847-48.

No. 5085 of 1848.

To R. N. C. HAMILTON, ESQUIRE,  
*Resident at Indore.*

*Agra, the 16th October, 1848.*

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter No. 888, dated August 21st, 1848 regarding the Revenue Administration of Nimar, for Sumbut 1904, A. D. 1847-48.

2. There does not appear to be any advantage in separating the reports for British and Foreign Nimar. Both are equally under the management of British officers, and the local Government is equally responsible for the good administration of both. The accounts of both are further adjusted in the Agra Accountant's office on the same principles.



## 3. The results of the administration of the year under review

|                    | Sumbut 1903.<br>A. D. 1846-47. | Sumbut 1904.<br>A. D. 1847-48. |
|--------------------|--------------------------------|--------------------------------|
| Land revenue,..... | 1,69,701                       | 1,69,273                       |
| Sewai jumma,.....  | 21,371                         | 22,316                         |
| Total demanded,... | 1,91,072                       | 1,91,589                       |
| Collections,.....  | 1,89,533                       | 1,89,436                       |

## LANDS UNDER KHALSAH MANAGEMENT.

|                                   | Beegahs. | Rupces.  |
|-----------------------------------|----------|----------|
| Jummabundee of<br>Sumbut 1903,... | 2,19,136 | 1,48,816 |
| Decrease in 1904,                 | 23,473   | 17,263   |
| Increase in 1904,                 | 23,810   | 15,178   |
| Jummabundee of<br>Sumbut 1904,... | 2,19,473 | 1,46,731 |

scarcely vary in any respect, from those of the preceding year. In the Khalsah lands the quantity of land under cultivation and the revenue demandable therefrom have remained nearly the same. It may, however, be remarked

that the outstanding amount of Tuccavee has risen from 7,967 at the end of 1903 to 25,424 at the end of 1904; during the latter year, 30,805 having been advanced and only 13,348 recovered. Considering that the season was on the whole a good one, the result cannot be said to be demonstrative of the advantages of the Khalsah system. But it may be very true that the foundation of future prosperity has been laid, and the further progress of the experiment will be watched with interest. The Lieutenant-Governor is fully assured that Lieutenant Evans will omit no effort to obtain success.

\* British, ..... 47 15 0  
Scindiah's ..... 1,796 12 9

Total, 1,844 11 9

4. The irrecoverable balances, as per margin, are remitted.

5. In para. 8 of his report, Lieutenant Evans laments the proneness of the cultivators to wander. This is the natural result of scanty population, abundance of good land, and the absence of all proprietary right in the soil. The two former causes will gradually correct themselves. Too great eagerness to extend cultivation by the offer of terms unduly favorable, will tend to draw cultivators from the lands now occupied, and will retard the progress of improvement. The last of the three causes, is immediately within the control of the Government. The grant of small tenures, as heritable transferable property, for a term of years and for a fixed sum, as proposed in para. 8 of Mr. Thornton's letter of June 8th, 1847, will create a

permanent interest in the soil, and securely attach a cultivator to his land.

6. Let it be supposed that a cultivator occupies 20 beegahs, for which he is to pay this year 26 rupees, as follows :

|              |               |       |   |        |
|--------------|---------------|-------|---|--------|
| 2 Beegahs at | 4             | ..... | 8 | Rs.    |
| 2 do at      | 3             | ..... | 6 | „      |
| 8 do at      | 1             | ..... | 8 | „      |
| 8 do at      | $\frac{1}{2}$ | ..... | 4 | „      |
| <hr/>        |               |       |   |        |
| 20 Beegahs.  |               |       |   | 26 Rs. |

It is evident that this man knowing that the improvement of the 16 beegahs, which are assessed at a low rate, will lead to a higher assessment, may hesitate to improve them, and may even contemplate a move elsewhere, to land which he can get at lower rates. If, however, the whole 20 beegahs be given him on a fixed lease for 20 or 30 years, for 26 Rs. more or less, according as the land is capable or otherwise of improvement ; if, moreover, 5 beegahs of adjoining waste be given him without any additional demand, as a stimulus to exertion ; and, if the whole be constituted a heritable and transferable property, he will now have the greatest possible inducement permanently to fix himself on the land, and improve it to the utmost.

7. This is the foundation of the change, which it seems most desirable to introduce into Nimar ; and no reason for objecting to its introduction has yet been advanced. It involves the introduction of a system of survey and registration for the properties thus farmed, both of which can be completed without any difficulty.

8. If the 7,875 beegahs of moond lands, which are mentioned in para. 10 of Lieutenant Evans' report, as having been held "*on a fixed assessment*" by certain Patels in the Khundwah and Asseer pergunnahs, for a term of 200 years, be of this nature, the assessment on them should on no account be raised, however much it fall below the pergunnah rates. If, however, the assessment be not permanent, but only leviable from lands under cultivation, the holders may perhaps fairly be called upon either to retain the whole for the fixed sum, or to pay for what they cultivate, at the usual rates ; under any circum-

stances, land which they leave uncultivated, should afterwards be subjected to the usual rates.

9. Whether it may be possible to go beyond the step mentioned above, and introduce the Mouzahwar system, as set forth in the 9th and following paragraphs of Mr. Thornton's letter, may admit of doubt. Lieutenant Evans' evidence (para. 13), as to the repugnance of the people to any joint responsibility, is conclusive against that mode of uniting several small holdings.

10. The old Ijarah system of farming leases, without proprietary right, has been tried and failed, and holds out so little prospect of permanent improvement, that its general re-introduction cannot be contemplated.

11. The sunnuds given by Captain French to the Gond settlers in Scindiah's pergunnahs of Seylance, &c. (para. 16) confer in fact a proprietary right, or a zemindarce right, as it would be called here, only that this is not specified. There is no apparent reason, why the village thus assigned to the Patel, should not be at once declared his heritable and transferable property, liable to descend according to the usual law of succession to lands. At the expiration of the lease, the settlement would be open to renewal on equitable terms, or the proprietor entitled to Malikana if he did not agree to the terms. But there should be no doubts about the boundaries of any of the villages. Nor is it enough that the precise rights and liabilities of both leaseholders and cultivators, should be "*clearly understood.*" They should be known, specified and recorded.

12. The assignment of waste lands (para. 18) as a remuneration to Putwarces, is approved.

13. With reference to paras. 20 to 22, of Lieutenant Evans' report, it certainly was not the intention of the Lieutenant-Governor to create any new *hugs*, as of right to Patels. Captain French's proceeding in this matter shows most clearly that it was to be a new grant from the Government, and not the judicial award of a right in abeyance. This when unsanctioned or prohibited by the Government, was clearly beyond his competency; as these grants are not in perpetuity, they may be

considered personal to the present holders, and open to revision on succession. No more of the sunnuds should be issued, and the qualified sanction that has been given, should be explained to all who are concerned.

14. It must be clearly understood, that there is no objection to the amount of remuneration, so long as the Patel is employed as an officer of the Government, under the Khalsah system. The sole objection is to the creation of a right in perpetuity, to the maintenance of which the Government will be pledged under any system that may prevail.

15. Nor is there any objection to the grant of this, or even a larger, profit if the Patel were made a proprietor, as is proposed in pergunnah Seylanee, &c.; such an arrangement would not be inconsistent with the existence of subordinate proprietary right of the nature contemplated in para. 6. There is no apparent reason why such a scheme should not be carried into effect. Its operation would, at once, terminate all difficulties arising from the unauthorized pledge conveyed in Captain French's sunnuds.

16. The works of irrigation completed during the last year, as shown in Lieutenant Evans' statement A. are very creditable to the energy of the local officers, and may be expected to prove highly beneficial.

17. The revival of custom and *pandree* duties cannot now be entertained.

18. The establishment of places of refreshment for travellers in all villages along the road, is very desirable; but it may be observed that none but Hindoos are usually admitted into what are designated Dhmrsalahs. If that be the case in those erected in Nimar, the Lieutenant-Governor feels some hesitation in contributing to them from the public funds. If, however, satisfactory assurance is given, that they will be open to all travellers, the proposals contained in your 18th para. *will be* sanctioned.

19. The sum of 219 Rs. per annum is allowed to Zalim Singh of Seylanee, as compensation for transit duties abolished, on the same understanding as in the cases previously sanctioned.

20. An expenditure of 1,500 Rs. on account of the British

Government, for building workshops in the jail, is sanctioned, a similar amount being contributed by Scindiah's Government for the same purpose.

21. With reference to paras. 36 and 37 of Lieutenant Evans' report, any proposal regarding education had better be separately made. Regarding the village libraries, information should be furnished, as to the books of which they consist, and the degree in which they are used. If assistance is desired, it should be fully stated how it can best be rendered, whether in books or money. It is certainly unexpected to find institutions of the sort appreciated in villages.

22. The grant of the rewards for the destruction of tigers is continued for another year.

I have the honor to be, &c.

C. ALLEN,

*Offg. Secretary to Govt., N. W. P.*

**No. 43.**

**CIVIL ADMINISTRATION OF NIMAR FOR 1848-49.**

No. 3318 of 1849.

To R. N. C. HAMILTON, ESQUIRE,

*Resident at Indore.*

*Head Quarters, the 9th October, 1849.*

SIR,

REVENUE DEPARTMENT. I am disired to aeknowledge the receipt of your letter dated the 12th August, reporting on the civil administration of Nimar during the year 1848-49.

2. The accounts for the year, contrasted with those of the

|                      | St. 1904<br>A. D. 1847-8. | St. 1905<br>A. D. 1848-9. |
|----------------------|---------------------------|---------------------------|
| Land revenue,.....   | 1,69,273                  | 1,70,404                  |
| Sewai Jumma, .....   | 22,316                    | 27,412                    |
| Total demanded,..... | 1,91,589                  | 1,97,816                  |
| Collections,.....    | 1,89,436                  | 1,76,977                  |

preceding year, stand as per margin. The demand exceeded that of the preceding year by more than 6,000, chiefly under the head of Sewai jumma, but

the collections fell short by 12,459 Rupees.

3. The quantity of Khalsa land under cultivation and the revenue demandable therefrom, show some increase of land thus managed, but a decrease demand therefrom.

|                             | Beegahs. | Rupées.  |
|-----------------------------|----------|----------|
| Jummabundee of 1904, *..... | 2,47,758 | 1,64,778 |
| Decrease in 1905, .....     | 8,346    | 4,346    |
| Increase in ditto, .....    | 15,166   | 4,817    |
| Jummabundee of 1905, .....  | 2,54,556 | 1,65,278 |

4. The outstanding amount of tucavee has been reduced from Rs. 25,424 at the close of 1904 to Rs. 12,702, which is very satisfactory, as is also the reduced amount of Rs. 10,158 granted within the year.

5. The season is represented to have been unfavorable, and the remission of the irrecoverable balance noted in the margin is recommended. This is sanctioned.

|                   |        |    |   |
|-------------------|--------|----|---|
| British, .....    | 8,805  | 12 | 0 |
| Scindiah's, ..... | 10,663 | 15 | 3 |
|                   | 19,469 | 11 | 3 |

6. The circumstances stated in para. 34 of Lieutenant Evans' report, regarding the improvement of the Gond settlers, is encouraging. It does not, however, appear why the establishment of a school in the midst of them, would not be a better means of educating the children, than the persuasion of a few of the number to repair to the school at Peeplode.

7. The reduction of the assessment on the Moondee lands in Khmudwah and Asceer, wherever it is excessive, is sanctioned.

8. The revision of the police Nujeeb establishment, as proposed in para. 38 of Lieutenant Evans' report, is sanctioned; but the saving which results cannot be given in pensions to the discharged men, as this is opposed to existing rules. The remodelled force must not be armed in any new way, which will involve additional expense on account of arms or accoutrements.

9. The arrangement (para 36) for mitting pergunnah Kana-poor and Burreah is judicious. The saving of one person on a salary of 28 Rupees per mensem which results hence, as well as that of 30 Rupees arising from the reduction of the mahal-

\* It is not immediately apparent how this can be reconciled with the jummabundee furnished with the last year's report, which gave beegahs 2,42,473 and Rs. 1,46,731.

kurry of Sewul in Asseer, making in all Rs. 696 per annum, should be shown as reduction of establishments.

10. The establishment of a dispensary at Khundwah has been sanctioned by the orders of the 22d ultimo.

11. The Lieutenant-Governor is glad to find that attention continues to be directed to the construction of works of irrigation and of roads. It is in seasons of difficulty, such as that which has lately passed, that the value of these works is most felt. The circumstances stated in para. 31 of Lieutenant Evans' report, regarding the benefit derived from the tanks at Jeitwai, Laehora and Duslee, are very gratifying. The supply of water for both men and cattle conduces essentially to the good of the country in such cases, and is not to be the less valued, because the precise return in augmented land revenue cannot be immediately stated in figures.

12. Sanction is given to the expense incurred for the read-

|                           | Burwai. |   |   | Bahadoor-<br>poor. |    |   |
|---------------------------|---------|---|---|--------------------|----|---|
| Expense,.....             | 142     | 3 | 3 | 282                | 12 | 6 |
| Subscribed,.....          | 60      | 0 | 0 | 150                | 0  | 0 |
| To be paid by Government, | 82      | 3 | 3 | 132                | 12 | 6 |

ing rooms at Burwai and Bahadoorpoor, over and above that subscribed by the people.

13. The average attendance at the schools of 591 boys, is as large as could well be expected, considering the scanty population and the ignorant and impoverished state of the people.

14. The review of the year's administration is highly creditable to Lieutenant Evans' care, diligence and devotion to his public duties. Nothing, however, which is stated at all induces the Lieutenant-Governor to alter his sentiments as to the objectionable nature of the system pursued. It may answer, as a temporary expedient, amongst a poor people in a wild part of the country, but for permanent adoption it is beset with many imperfections. The sooner it can be laid aside, the more likely is the country to become prosperous.

15. The object of the system of revenue administration should be, not to levy from the actual cultivators the maximum, which the soil can produce in any year, without intrenching on the fair wages of the laborer, but to give landed property a

high value, to promote the investment of capital in land, and to encourage agricultural industry by affording it an immediate and evident reward.

16. This would be politic under any circumstances. In a highly cultivated and fully peopled country, it would be desirable so to fix the assessment, and to regulate the terms on which the land is held, as to bring about this result, even at some immediate sacrifice of the state income. But in a thinly peopled and ill-cultivated district like Nimar, the advantage is immediate and palpable. More land is brought into cultivation, the population rapidly increases, and the foundation is quickly laid for a rapid increase of the wealth of the people and consequently of the income of the state.

17. Lieutenant Evans seems to be so much engrossed with the grateful result of his own labours amongst the people, that he overlooks the far higher object which he should place before himself: he should seek, by the introduction of improved principles of action, to make the people in some measure independent of the peculiar character of the superintending officer. He should aim to make them prosperous, not because of the bearing of his individual exertions upon the agricultural operations of the year under review, but because the measures he introduces, and the position in which he places the people is one calculated under all ordinary circumstances to draw forth their exertions to the utmost, to bear hard upon the idle and improvident, and to stimulate the industrious and enterprising.

18. Lieutenant Evans' remarks in paras. 22 and 25, regarding the impossibility of realising the revenue with punctuality in unfavorable seasons, and in para. 26 on the fallacy of expecting any reduction of the Government establishments on the discontinuance of the Khalsah system, are mere assertions, which show how much he has prejudged the question in his own mind. Facts do not bear out his supposition. The season was considerably below the average in the old settled districts of the North Western Provinces as well as in Nimar. In the latter district under the Khalsah system, when the Government makes disbursements for works of irrigation, advances capital largely to the cultivators, and has the services of a most active and



intelligent officer with a strong establishment, there is yet an irrecoverable balance of about 10 per cent. on the total demand. In the former case with

|                             |          |
|-----------------------------|----------|
| Total demand, .....         | 1,97,816 |
| Irrecoverable balance, .... | 19,470   |

no direct assistance from the Government to the people, with

no picked agency, and with but very little minute interference with the agricultural concerns of the people, the demand of Government is realised with surprising punctuality, the irrecoverable balance being scarcely 1 per cent. on the actual demand.

19. It is true that it may be long before the district of Nimar is as rich and prosperous as the Doab; but Nimar was once wealthy and highly cultivated, and the state of the Doab was not always as flourishing as it now is. There is no apparent reason, why the employment of judicious measures may not raise the rich lands bordering on the Nerbudda to the same state of fertility and productiveness as that which now characterizes those on the banks of the Ganges and Jumna.

20. An idea seems to have been entertained (para. 21) of abandoning the Khalsah and introducing the proposed system in Kusrawud; but the attempt was discontinued, because the people did not at once understand the change, and because a loss of revenue was apprehended. The Khalsah system was

|                              |        |                                                                                      |
|------------------------------|--------|--------------------------------------------------------------------------------------|
| Total demand, .....          | 30,398 | maintained and the Government is called upon to sanction the remission as irrecover- |
| Irrecoverable balance, ..... | 5,824  |                                                                                      |

able of 19 per cent. of the demand.

21. If it be correct, as appears to be implied, that Kusrawud is so fully cultivated that no probable improvement of cultivation will add to the maximum demand now fixed, then certainly that maximum will not be realized under any system; and it is far better that the reduction be made in the form of a more moderate demand for a term of years, than in occasional large remissions, in years of less than average productiveness. If, however, it be granted that the reduction of demand necessarily resulting from the change of system were to lessen the average receipts of the Government for a long term of years, from this particular pergunnah, the benefit might be great in the increas-

ed wealth of the people, and in the more rapid improvement of the other less cultivated pergunnahs from the example of moderation thus held out to them. The objection raised by the people only shows that they are ignorant, and that sufficient effort was not made to explain the subject to them.

22. In para. 27 the selection of the person with whom the engagement is to be made, is treated entirely as one of expediency and not of right or superior claim. If the Patels are now a poor and improvident class, it may be expected they will, under a more hopeful state of things, grow richer and more thrifty; but the idea can never be countenanced of obviating the present defect, by the authoritative association with them of bankers.

23. It has already been remarked in para. 2 that the chief item of increase in the demand

|               |        |
|---------------|--------|
| 1817-8, ..... | 22,316 |
| 1818-9, ..... | 27,412 |

for the year under review, had been in the Sewai jummah.

In the fully assessed pergunnah of Kusrawud the increase under this head had been from 3,438 to 4,138. It is not easy to understand from the headings, what is the nature of the several items, that make up the total. Many of them appear to be very petty and fluctuating in their amount. They are therefore apt to be the cause of much vexation to the people, and extortion on the part of the officials. An essential feature of an improved system would be to consolidate the Mal and Sewai, and leave to the people the petty profits they might make from their mango and mhowah trees or their eustard apples.

24. In para. 30, Lieutenant Evans suggests that "If any change of system" is to be effected, some one versed in what "is proposed be sent down to try it." The desired change is no intricate measure, which can be effected by certain rules, and where the course followed in one part of the country can be necessarily adapted in another. The change is a simple one; perfectly within the comprehension of an officer of Lieutenant Evans' attainments. If ever successfully made, it must be by the influence and arguments of the officer in charge of the district, and by his judiciously availing himself of the opportunities presented to him. No subordinate could effect it contrary

to the opinion or expectation of his superior, and it is not supposed that Lientenant Evans desires by this expression to divest himself of the charge of a district, in the management of which he evidently feels a just pride and pleasure.

25. The observations in para. 22 of the report afford better promise. "He does not by any means despair of introducing leases, and only fears to do harm by hurrying." This is wiser and more hopeful language. No undue hurry should on any account be shown. Full authority is given so to adjust the demand, even at some immediate loss, as to suit the expected change of circumstances. Alarm must not be felt if some of the first efforts are unsuccessful. The change, however beneficial it may ultimately prove, cannot be effected but gradually and judiciously; nor can it be effected at all against the ignorance on the part of the people, and self-interest on the part of the subordinate officials; which it is likely to meet with, unless the officer in charge of the district bring a willing and determined spirit to the execution of the duty.

23. I am desired to observe that no information is possessed regarding the size of the beegah in Nimar. It is requested that this may be stated in the next report, and that in the column (the last in paragraph 12) showing the total jumma-bundee of the current year, the cultivated area may be given in English acres as well as in the local beegah.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

#### No. 44.

NOTE ON THE ADMINISTRATION-PAPERS OF MUNDLAISIR, MOOLTAN, MIRZAPOOR AND BALSAMUND IN THE DISTRICT OF NIMAR.

#### MUNDLAISIR.

|                                                           |                                                |
|-----------------------------------------------------------|------------------------------------------------|
| REVENUE                                                   | The proprietors seem to be in number forty-    |
| DEPARTMENT,                                               | one, all cultivators. It is supposed there are |
| No. 386.                                                  | no other cultivators than these proprietors.   |
| The Government has relinquished to these proprietors 749. |                                                |

Rupees out of the estimated rental. Of this sum 187 Rs. 8 as. is appropriated to mihuntana, and *gaon khurch*, but it is nowhere said what is to become of the balance or Rs. 561-8. Lieutenant Evans evidently understands that this is to go to reduce their payments for their several holdings ; but this should be stated, and the mode explained in which the reduction is to be made. We want what is often called the *Khewut*, or *Phat-bundee*. A specimen of this is given in page 183, 187 of the English Settlement Misl, except that, in a simple tenure of this kind, the form would be much simpler. It need only contain column 6, (which would be headed name of proprietor and not of puttee,) columns 8, 9, 10 and 11. Then it would be seen at a glance what land each man holds, and how much he is to pay.

The stipulation that the unculturable waste is not to be broken up, or divided, is superfluous if the description of the land is correct, and most mischievous if it is not correct. I suspect it is incorrect, and that much of the land now called unculturable waste ought to be, and indeed will be, cultivated. This is one great source to which the community must look for increased profits. Is it wise, nominally at least, to bar them out perpetually from the benefit? This clause shows the mutual jealousy of the people more than any thing else. The poor men, who have small resources, fear that the wealthier, or more enterprising, will get the start of them in the occupation of the waste, and hence they attempt to prevent its being broken up at all. The attempt is vain, and here is the germ of future quarrels.

Are there no Sewai items except the skins of dead buffaloes? See page 191 of English Settlement Misl.

The mode of succession to the office of Sudder malgoozar is not stated. On the demise of one of the present men, who will succeed? Is the office hereditary or elective? Divisible or indivisible?

The Patels have their jagheer, their mihuntanah, and their fees, which are no small sum. Are they aware that all this, as their personal property, is primarily liable for the whole revenue of the village ; and that, in case of default, they are liable to be deprived of the whole? Such is the legal liability of the Sudder malgoozar. It might not be necessary, or wise, to

enforce the penalty, but the liability to its enforcement may be used as a strong stimulus to the lumburdars to exert themselves.

#### MOOLTAN.

A specification of the holdings and liabilities of the forty-two proprietors is much wanted here also.

There are here 925 Bee. 18 Bis. of uneultivated, but eulturable, land of inferior quality, which is assessed at 35 Rs. 12 As., and 1,195 Bee. 2 Bis. of jungle uneulturable, which is unassessed. The only stipulation regarding this land is that "all the uneultivated, uneulturable land is to be held in common as grazing land for all the cattle of the village." If this means that none of the uneultivated land is ever to be brought under cultivation, the stipulation needs re-consideration. Waste land may probably hereafter attain a value, which is not now contemplated.

#### MIRZAPORE.

The settlement of this village is made with the Canoongo of another village, and the putwarry of this. What are their shares? Are they equal? Is there any right of pre-emption? How are the collections to be made from the assamees? by whom? how and when is the collector to account to the proprietors? The Canoongo is probably the wealthier and more powerful man, the putwarry is the man of more local influence. They do not meet on an equality and unless these grounds of difference are guarded, quarrels may arise. Who is to provide for the cultivation of the 100 Beegahs uncultivated land, on which Rs. 22-8 has been assessed? May they not divide the mouzah?

There is no explanation of the rights of the cultivators. Have all equal right? They cannot be ousted as long as they pay? Can they mortgage or sell their holdings at their pleasure? Can their rates be raised under any circumstances besides that stated of irrigation from wells dug by the zemindar? I suppose there is a jumma bundee. See pages 237 and 239 of English Settlement Misl.

#### BALSAMUND.

The remarks on the former village are applicable to this, which has been settled with the Patels of the village.

31st October, 1851.

J. THOMASON.

## No. 45.

SETTLEMENT OF PERGUNNAH KUSRAWUD  
IN NIMAR.

No. 2858 of 1851.

*To R. N. C. Hamilton, Esquire,**Resident at Indore.**Simla, the 12th of August, 1852.*

SIR,

REVENUE I am desired to acknowledge the receipt of  
DEPARTMENT. your letter No. 1081, dated July 10th, forward-  
ing Licutenant Evans' report on the settlement of pergunnah  
Kusrawud in Nimar.

2. The present settlement comprises 26 out of the 30

Average 1886 to 1890 Sumbut Rs. 20,943

" 1891 to 1895 " .. 23,973

" 1896 to 1902 " .. 17,527

" 1903 to 1907 " .. 21,733

Proposed jumma, .. .. 16,633

villages constituting the

pergunnah, and to these is

added Mundlaisir, which

is part of pergunnah Mu-

heysur, the proposed jumma stands contrasted (see general  
statement in acres) with the former, as per margin. This set-  
tlement is confirmed for the 20 years, extending from 1908 to  
1927, or from 1851-52 A. D. to 1870-71.

3. The decrease of jumma, though considerable, is of no  
consequence. This was perhaps unavoidable on the commence-  
ment of a new system of which the people were ignorant, and to  
which they are averse. If the end desired by the measure be  
accomplished, and if a valuable heritable and transferable prop-  
erty be created in the land, so as to attach the people to their  
possessions, this object will have been cheaply attained. How  
far this may be the case, will depend on the assessment compar-  
ed with the real productiveness of the land, and not compared  
with the amount at which it formerly stood.

4. This circumstance you mention in paras. 8 to 14 of your  
letter are quite enough to account for a low rate of assessment.  
When the population is scanty, waste land abundant, and the  
soil rich and requiring little labour to render it productive, it is  
evident that only a very light rent can be realized, even though

the seasons continue propitious, and the climate healthy. The 26 villages of Kusrawud, which are the subject of the present Report, are said to contain 5,873 inhabitants to an area of 52 square British statute miles, or 113 souls to a square mile. The particulars both of population and area appear to have been so very carefully ascertained, that there can be no error in this statement. The only district of the N. W. P. which has as small a population, is Hissar or Hurrceanah, where there are said to be only 68·2 persons to the square mile, though there is much reason to suppose it underrated. Many villages in the Hissar district are watered from the Western Jumna Canal, but on the whole the circumstances of the district may be held in

Average rate of assessment per acre.

|            | Total Area. | Malgoozaree. | Cultivated. |
|------------|-------------|--------------|-------------|
| Hissar, .. | 0 3 5       | 0 3 11       | 0 7 4       |
| Kusrawud,  | 0 7 3       | 0 14 11      | 1 1 8       |

many respects to resemble Nimar. The assessment of Hissar and Kusrawud stand contrasted as per margin. There is no reason to sup-

pose the assessment of Kusrawud too light in the present state of the country, but it is not easy to understand how it could have borne a higher assessment in former years, when the population was less numerous than at present, and the state of the country generally more backward.

5. As to the assessment itself, it may be remarked, that it has been made more a matter of arithmetical calculation than it is in these provinces, or than it ever ought to be in the nature of the case. The determination of a fair rent can never be reduced to a rule-of-three sum. There are a thousand circumstances affecting the amount of rent which elude reduction to a figured statement. The jumma should be the result of a fair bargain between the proprietors on the one hand, knowing the true value of his property and anxious to retain it, and the Government on the other hand desirous to take only so much of the rents, as will leave the proprietor a sufficient income. This was difficult or perhaps impossible in a country where one party to the bargain could not comprehend the existence of property in the sense in which it is understood by the Government and would make no bid for it. Probably Lieutenant Evans followed the best course that was open to him, and

adhered to his numerical data. The chief risk in such cases lies in villages where there is much uncultivated land, like Mirzapoor and the four others mentioned in para. 6 of Lieutenant Evans' letter of June 21st. In the case of Mirzapoor, for instance, Rs. 33-12-6 is assessed on 114 beegahs and 17½ biswas of culturable land. This seems moderate, but it does not appear how it is calculated with reference to the varying rates on new lands. Evidently mismanagement on the part of the malgoozars, or misfortunes of season, may disappoint the calculation, and cause the land to remain uncultivated. There is no apparent reason why the existing leases in the three villages of Kusrawud, Rushdpoor and Burgaon, should not be at once extended at their present rates, for the same period and on the same terms as the rest of the villages, if the malgoozars are willing to enter into engagements. There does not appear to be any reason for supposing the present jummas to be so low that any great increase would be expected, when the present leases terminate; and there is no reason to lower the jumma, if the present demand is easily paid.

6. The map of the pergunnah is useful, but not so much so as might be. A pergunnah map should always show village boundaries (vide p. 42 of Directions for Settlement Officers.) The pergunnah maps in Mr. Moutgomery's Statistical Report of Cawnpoor are good specimens of what is required. These may always be compiled with sufficient accuracy from the common Shujrahs. Lieutenant Keatinge's attention should be particularly directed to this. The Lieutenant-Governor has now before him some very excellent maps of Talookahs in the Bombay Presidency, prepared by the revenue surveyors there, which show how much can be done without trigonometrical and scientific measurement.

7. The present report refers to 27 villages. Of these, 11 have been settled with the Joonardars, 12 with the Patels, two with the pergunnah zemindars, one (Talumpoor) was taken by the Putwaree, and it is not clear what has been the arrangement for Mundlaisir.

8. It is evident that the success of these arrangements will depend not only on the moderation of the assessment, but also



on a complete understanding of the rights conveyed by the act of settlement, and the responsibilities attaching to it. Lieutenant Evans' report is defective in not explaining the means that have been taken to prevent misapprehension in this respect.

9. The general nature of the record to be formed under this head, called the administration paper, has been explained in para. 167 of the Directions for Settlement Officers; but whereas in Nimar property in land has been created rather than defined, it would be necessary to specify at length in that document some particulars which elsewhere would be so well known as scarcely to need mention. It must be clearly stated in what the property consists, and the proprietors must be assured that they have liberty to dispose of their property, according to their free choice. The hypothecation of that property to Government for the revenue assessed upon it, must also be clearly stated and explained.

10. In the settlement made with the Joonardars\* the law

\* In the abstract statement of Mouzali Bulgaon, an Assameewar settlement of the village is said to have been made. Is this a settlement with Joonardars?

must be stated, according to which the profits are to be divided between them, and their affairs managed; the

management including the cultivation of the waste land, and the apportioning amongst them of the Government demand.

11. In the settlements made with the Patels, Mundlooes, and Putwarees, they must be especially given to understand that they will reap the entire benefit of all new lands brought into cultivation, and perhaps also of the increased rent leviable from lands raised from a lower to a higher rate. It is supposed that the persons called zemindars with whom two villages have been settled, are the persons who are elsewhere called Mundlooes.

12. You are requested to desire Lieutenant Evans to furnish translations of the administration papers in one or two of each of the above kinds of villages. You are also requested to invite him to explain his sentiments, as to the precise nature of the property vested in the proprietors by the settlement, and the condition to which they would be reduced by the loss of the proprietary right, either in consequence of their own voluntary act or by forfeiture or sale for default.

13. But it is not only essential for the security of the settlement, that correct ideas on the subjects should be entertained, both by the local officers and by the people themselves. Every effort must also be made to watch the working of the system, and to see that its operation is rightly carried on, as Lieutenant Evans has very justly observed in para. 20th of his letter of May 31st last. Judicious advances of Tuccavee may at first be necessary. In the event of unfavorable seasons, forbearance may be shown in the realization of the Government demand. Too great strictness should not be shown in holding the malgoozars to the precise terms of their engagements, or in exacting the utmost penalty for any petty infraction of their contract. No sale of a muhal should be made without the previous sanction of the Government.

14. But above all, it will be necessary that the Superintendent advise and direct the malgoozars in the management of their own concerns. Where the settlement has been made with the Joonardars, any misunderstandings or disputes which may arise amongst them, should be immediately and completely settled. It will be almost impossible at first, so to frame the administration paper, as to provide for all possible contingencies. As the advantages of their position become better understood, questions will arise regarding their rights, which if not immediately settled will destroy the peace of the community. The point in dispute may be apparently trifling, but we are poor judges of its real importance. If the privilege, whatever it may be, is claimed by more than one party, the right to its enjoyment must be promptly determined. It would be most interesting and useful if Lieutenant Evans would keep a separate memorandum-book of all questions of this kind, which he may be called upon to decide, and of the decision thereon passed.

15. The arrangement for Chowkeydars appears to be liberal. With an efficient village Police so organized, there ought to be great security of person and property.

16. The Mundlooe and Canoongoe are understood to fill offices in the pergunnah equivalent to those of Chowdree and Canoongoe in these provinces. The former office you are aware has been wholly discontinued, and the emoluments of the latter

considerably curtailed. There is no wish to reduce the apparently liberal arrangement made by Lieutenant Evans for the remuneration of these officers in Kusrawud, but there is no ground for increasing their allowances, as he suggests in para. 24 of his letter. If their emoluments suffer in some degree from the diminution of the Government revenue, they must be taught to look for compensation in the increased value given to their own property, and the prospect that is open to them of still larger emoluments, if they avail themselves with industry and intelligence of the advantages conferred on them by their position. The duties attaching to their offices must be clearly and minutely defined, and the rigid performance of their duties exacted. If the people are incompetent themselves to perform the duties devolving upon them, their place must be filled by more efficient men. Lieutenant Evans is very properly sensible of the great importance of teaching the Putwarees the duties they will have to perform.

17. It appears from some passages in Lieutenant Evans' letters that the settlement of other parts of the district is progressing, and that he is now employed on pergunnahs Kana-poor and Burreah.\* It is not known in what state of culti-

vation these pergunnahs are at present. It is evident, how-

\* See para. 12 of letter of May 31.

ever, that if settlements on the proposed plan are inconsiderately formed in pergunnahs where there is much culturable waste land, some difficulty may be experienced in maintaining the cultivation in villages that are now prosperous. A large demand for cultivators will probably arise, and those who have much culturable waste in their villages will offer land on terms which may induce cultivators to leave the old lands on which they are now located. The proper remedy to this, is either to refrain from selling such pergunnahs for the present, or in making the settlement of inhabited villages to give only a certain portion of the culturable waste, retaining the remainder in the hands of Government till a more suitable opportunity presents itself for reclaiming the land from waste. Lieutenant Evans should be requested to keep this principle in view in his future operations.

18. The Lieutenant-Governor notices with satisfaction the testimony borne by Lieutenant Evans to the services of Mr. Conlan in this Settlement.

I have the honor to be, &c.

J. THORNTON,  
*Secretary to Govt., N. W. P.*

### No. 46.

## SETTLEMENT OF PERGUNNAHS BURREAH AND KANAPOOR, IN NIMAR.

No. 2799 of 1851.

To R. N. C. HAMILTON, ESQUIRE,  
*Resident at Indore.*  
*Agra, the 10th July, 1852.*

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated the 16th ultimo, forwarding Lieutenant Keatinge's settlement report of pergunnahs Burreah and Kanapoor in British Nimar.

2. These two small pergunnahs are thinly peopled and poorly

| Pergunnahs.     | No. of villages assessed. | Total area in square miles. | Cultivation in acres. | Total population. | People to the square mile. | Cultivated acres to each person. |
|-----------------|---------------------------|-----------------------------|-----------------------|-------------------|----------------------------|----------------------------------|
| Burreah, .....  | 25                        | 46                          | 9,144                 | 44,701            | 102                        | 2.6                              |
| Kanapoor, ..... | 24                        | 50                          | 7,131                 | 2,758             | 55                         | 1.95                             |

cultivated. They are situated in the midst of a country, where there is abundance of good unoccupied land, and where

there are few cultivators. It is impossible that villages so situated should bear any but the lightest assessment. The jumma at which they have been settled has therefore been wisely fixed at a low standard.

3. The jumma is evidently very light, whether compared

| Pergunnahs.      | Total area in acres. | Malgoozaree area.  |                  | Highest jumma. | Average per acre on total area. | Average do. on Malgoozaree. | Average do. on cultivated. |
|------------------|----------------------|--------------------|------------------|----------------|---------------------------------|-----------------------------|----------------------------|
|                  |                      | Culturable jungle. | Cultivated area. |                |                                 |                             |                            |
| Burreah, . . . . | 29,599               | 3,908              | 9,144            | 5,542          | 3-0                             | 6-14                        | 11-1                       |
| Kanapoor, ..     | 32,049               | 6,595              | 7,131            | 4,947          | 2-6                             | 5-9                         | 9-8                        |

with the actual rates upon the land, or the collections of past years. There is no reason however to consider it lighter than it ought to be.

| Pergunnahs.        | Average receipts for 10 years, road fund included. | Net jumma of 1907 Sumbut. | Demand for 1908 Sumbut. | Demand for 1st year of settlement 1909 Sumbut, including road fund. |
|--------------------|----------------------------------------------------|---------------------------|-------------------------|---------------------------------------------------------------------|
| Burreah, . . . . . | 6,187                                              | 6,907                     | 6,994                   | 5,140                                                               |
| Kanapoor, ....     | 5,469                                              | 6,929                     | 6,884                   | 4,859                                                               |

If at this assessment the land becomes a valuable and transferable

| Pergunnahs.         | Lowest jumma. | Highest jumma in 1927 Sumbut. |
|---------------------|---------------|-------------------------------|
| Burreah, . . . . .  | 5,089   0   0 | 5,542   0   0                 |
| Kanapoor, . . . . . | 4,811   0   0 | 4,947   0   0                 |

property in the hands of the proprietors, the object of the Government will have been attained. The settlement of the two pergunnahs is confirmed,

from 1909 to 1928 S. at the jummas noted in the margin.

4. The revised establishments, as noted in the margin, are

| Pergunnahs.         | Former Establishment. | Revised Establishment. | Decrease per annum. |
|---------------------|-----------------------|------------------------|---------------------|
| Burreah, . . . . .  | 2,052                 | 1,644                  | 408                 |
| Kanapoor, . . . . . | 1,428                 | 912                    | 516                 |

also sanctioned.

5. The maps furnished with the proceedings are of the description intended, and appear to be

sufficiently accurate to answer every practical purpose.

6. The remarks contained in Lieutenant Keatinge's 4th, 5th and 6th paras., and the arrangements he has made regarding the culturable waste land, give rise to the apprehension that, however carefully and zealously that officer has performed the duty assigned to him, he has yet failed to perceive the real nature of the operation on which he has been engaged, or to enter into its spirit.

7. The settlement now made, differs widely from the system commenced by Captain French in 1846, and ought to constitute a new era in the fiscal administration of the pergunnahs.

8. Under Captain French's system, each man was at most only the proprietor of the land he occupied at a fixed rate, or amount of assessment. Under the present system those who are recognized as proprietors have, as an heritable and transferable property, all that they can make out of the land included within the boundaries of the village. Before, no man could extend his cultivation without the sanction of the Government, and the agreement to pay an additional demand: now every man who is proprietor may extend his cultivation as he likes, without any question or increased demand, till the whole of the culturable area within his village is rendered productive. He may moreover make what he can of the natural products of the whole area.

9. This state of things is quite inconsistent with the reservation for Government of all the unassessed waste in each village. No such reservation should be made. The Malgoozars or proprietors whoever they may be, whether the whole community or one individual in each village, should be assured that for the sum agreed upon the whole area is theirs to do what they like with, till the end of Sumbut 1928, so long as they pay the stipulated jumma. It is difficult to understand how the reservation by Government of the waste land can be supposed in any degree to diminish the "joint responsibility." If there are two or more joint-proprietors, that responsibility remains precisely the same, whether there is no culturable and waste land in the village, or whether there is much. In the former case the proprietors cannot lighten their assessment, and therefore lessen the weight of the joint responsibility by extending their cultiva-

tion; in the latter case, they can. In the former case they are shut out from a great benefit; in the latter they receive a large boon.

10. The Lieutenant-Governor would wish this to be explained to the people, and the clause in the administration paper (Ikrarnamah) to a contrary tenor to be altered, so as to assure them that no enhancement of their jumma will take place during the term of settlement, however much they may extend their cultivation within the bounds of the village. At the same time every inducement should be held out to the proprietors to extend the cultivation as much as they can within the limits of their village, and thus increase their income, and lessen the weight of the Government demand.

11. There can be no doubt that as the population of the country increases, the land will become more and more valuable; and that what is now considered "an anchor round their necks," will be regarded as the reasonable acknowledgment for a valuable property, and will be readily paid, lest failure in the payment should involve forfeiture of the property.

12. If the settlement fail, it will probably be from one of three causes; the disagreements of the co-parceners, the unthriftiness of the proprietors, or the severity of the seasons.

13. Where there are many co-parceners, united together by joint responsibility, there are many causes of disagreement. Where all are equally enterprising and diligent, their interests will clash, and each will strive himself to occupy, or to prevent others from occupying, desirable waste land. Where some are diligent, and others idle or extravagant, the former will be prone to oppress and irritate the latter, or to complain that the default of the latter throws upon them a heavier burthen than they can bear. These causes of dispute require the constant watchfulness of the Collector, whose object it should be, to lead them to settle such points amongst themselves. In well ordered communities they do so spontaneously; but in new communities, unaccustomed to the obligation entailed upon them by their constitution, it may require the superior intelligence and forethought of the Collector to instruct and guide them.

14. It may be, that the proprietors are careless or extrava-

gent, and suffer the mahal to deteriorate till it is thrown on the hands of the Government in a ruined and worthless condition. In all states of society there are likely to be improvident men who let their property run to waste. In an advanced state of society, they injure no one but themselves. The property is valuable, many are ready to take it off their hands and to restore it to prosperity. But in a low stage of cultivation, like that in Ximur, land which has once fallen waste, is reclaimed with difficulty, and it is hard to restore the waste and deserted village. The Collector may do much to prevent ruin of this sort by remonstrance, and timely suggestion, and by also promptly dispossessing the un-managing proprietor on the first opportunity occasioned by his default. But it may be hoped, that the inducements to improvement, and the large prize afforded to successful industry, may be the surest means of averting such misfortunes. There are but few, who with the means of competency within their reach, will heedlessly and recklessly effect their own ruin.

15. Calamities of season are unavoidable. Drought, or floods, or pestilence, or blight, may desolate any part of the country, and of course render it impossible that the whole or perhaps any revenue should be paid. Such disasters must be met as the exigency demands. They call forth all the prudence and vigilance and activity of a Collector. They must be met according to their degree by temporary suspension or entire remission of the demand, or by reduction of the settlement.

16. Lieutenant Keatinge asks for permission to proceed to the settlement of some of Scindia's pergunnahs. His remarks on the present occasion show that neither he nor the people fully understand the nature of the operations proposed. It would be far better that he applied himself for a time carefully to watch, and judiciously to superintend, what passes in the settled pergunnahs of Kusrawul, Burraah and Kanapoor now under his charge. When he finds that these are prospering, and that the people understand and appreciate the advantages conferred upon them, it will then be time to push forward



operations into other parts of the country, with confidence. It would be better that he pause for a little till he is more satisfied himself of the effects of the system, than he seems yet to be.

17. In para. 8, Lieutenant Keatinge remarks on the intermixture of these two pergunnahs with Holkar's territory, and well illustrates his position by a separate map. So far as the revenue management of the country goes, this need not be attended with disadvantage. The retention of cultivators on the land depends on their liberal and judicious treatment. In this our officers ought not to be inferior to the managers of Holkar's lands; and if they are, they deserve to lose their cultivators. Till the country is much more highly peopled than it now is, the competition for agricultural labour will be great; and the cultivators will be able to command their own terms. The way to attach them to the soil, is to give them a valuable property, which they will not lightly renounce. It is for this very reason desirable to assess their land lightly, and to afford them the prospect of largely increased gains, consequent on their exertions, without any increased demand.

18. The effects on the police and on commerce are more serious, and deserve your consideration. Your influence with the Durbar will enable you satisfactorily to adjust difficulties of this kind. The regulation of the customs duties is of the greatest importance. It is evident that we cannot be at the cost of constructing a road merely to swell the customs revenue of Holkar. Either the Durbar should be moved to renounce the duties altogether, as we have done, in consideration of the great advantages that will be derived from the increased traffic, or else the duties along the whole line of road should be consolidated, levied at one place, and appropriated in whole or in part to the repairs of the road, as has already been well arranged by you on the Bombay road to Manpoor. It is probable that an enlightened ruler like the present head of the Holkar family, could easily be made to understand, and readily to adopt one of these courses, but if it should be otherwise, the relative position of the two Governments, and the evident benefit to the whole community of some such arrangement, would warrant you in strongly

urging upon him its adoption. It is believed that the British Government have already spent much labour, and some money, on the improvement of the road through Dhimgaon, on the Burwai and Boorhanpoor line, if not on the Mundlaisir line. By both lines Holkar's villages will profit, and no further expenditure should be made on either till some satisfactory arrangement on this subject has been concluded with the Durbar. The Lieutenant-Governor begs that you will favour him with your sentiments on this subject and separate its consideration from that of the other topics disscussed in this letter.

19. Lieutenant Keatinge engaged some time ago to furnish the Government with a map of the district of Nimar. It would be gratifying to receive some such document. The survey he has made of Kusrawud, Burreah, and Kanapoor would form a good nucleus round which the rest of the district could be placed with considerable accuracy.

20. The Lieutenant-Governor desires me further to add, that in his strictures upon Lieutenant Keatinge's proceedings, he is far from intending to convey any censure on that officer. All that has been done, appears to have been well done, and to entitle those who did it to very high commendation. It is not to be expected that a person in the position of the Superintendent of Nimar would be able at once to enter into the full spirit of a system so new to him, as that which it is sought now to introduce into the country. The observations contained in this letter are intended to invite reflection on the subject, and to draw forth discussion. If Lieutenant Keatinge thinks the people are still reluctant to receive from the Government the gift of the culturable land, which he is authorized to bestow upon them, or if he thinks that he perceives weighty objections to the measure, he is at liberty to postpone compliance with the instructions, and to state his views for the further consideration of the Government. It is in vain to look for success to the scheme unless the local authorities can be induced to enter into its spirit, and fully explain it to the people. An ignorant and timid people will of course be suspicious of any change in a system which so nearly affects them as the management of the land revenue; nor will they gain confidence till they perceive

that their European superiors have their interests really at heart, and fully understand what they are doing.

I have, &c.

W. MUIR,

*Secretary to Govt., N. W. P.*

No. 47.

No. 4109 of 1852.

*To R. N. C. Hamilton, Esquire,*

*Resident at Indore.*

*Agra, the 11th October, 1852.*

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter dated August 9th, forwarding Lieutenant Keatinge's further observations on the settlement of pergunnahs Burreah and Kanapoor, contained in his letter of July 29th.

2. Lieutenant Keatinge still apprehends injurious results from the gift to the people of the culturable jungle, within the boundaries of their several villages; and takes advantage of the opening afforded to him in the orders of July 10th last, to express his sentiments at some length on the subject.

3. Lieutenant Keatinge apprehends that the proprietors will be overburthened by the additional labour imposed upon them

by "the management of culturable jungle to the extent shown in the margin, added to their other responsibilities." No such apprehension need, however, be entertained. The management entails no additional responsibility upon them. The advantage is theirs if by good management they can

|                | Culturable jungle in acres. | Culturable area in acres. |
|----------------|-----------------------------|---------------------------|
| Burreah, . . . | 3,908                       | 9,144                     |
| Kanapoor, ..   | 6,595                       | 7,131                     |
| Total, ..      | 10,503                      | 16,275                    |

cultivate: but if their management is not so good as to effect this, they are in the same state regarding it, as they would be

if it had not been made over to them. The gift once made certainly cannot be recalled during the currency of the settlement, if the zemindar pays his revenue. It is possible that the collector might be able to bring tracts under cultivation, which the proprietors cannot do, but this is a contingent advantage which the Government renounces, in order to stimulate the proprietors to exertion.

4. The effect of the proposed measure will certainly be to create competition for cultivators. The Assamees will always be disposed to move from a cultivated to an uncultivated tract, whenever the lower rent of the latter over-balances the increased labour and expenditure of capital necessary for its reclamation. There is good reason to believe that the advantage to an industrious cultivator of maintaining his hold on the field he has long cultivated is much greater than is at first supposed. He will most probably stay as long as he is well treated, and the good treatment of the cultivators is the main object of all revenue management. Such is found to be the case in many of the settled provinces, such as Gorakhpore, Rohilkund, Saharnpore, Hurriannah, where abundance of good waste land is to be had for almost nothing. There is no apparent reason, why it should not be the case in Ninnar.

5. It is quite a mistake to suppose that every "Assamee who takes land in a village, should join the community on the same footing as his neighbour," and if the Superintendent has enforced such a state of things in Knsba Burreeh, he has acted contrary to the whole spirit of the settlement. The person or persons, who engaged for the villages, have been constituted proprietors, and if after settlement any new cultivators wish to obtain land, it rests entirely with the proprietors to determine the conditions on which they shall have land assigned them. If the proprietor is willing to place the new comers in as favorable a position as himself, in order to secure their more vigorous exertions, and greater contentment with their position, he is at liberty to do so; but if he finds that he can secure their good services, and yet keep them in any degree dependant on himself, he will probably find it advantageous to do so. In general, persons introduced into a village by the proprietor, do not

become themselves proprietors, but are cultivators at fixed rates or at will.

6. The apparent practice of the Superintendent regarding emigrants from foreign districts, is not conformable to the general principles on which the British Government acts. Cultivators should not be tempted to emigrate by any specially favorable offers; but when they do migrate, they should never, because of their migrations, be denied land in the same terms on which others can receive it, nor should they be prevented from accepting offers of land made to them by proprietors; this is a principle to be observed and enforced in all communications on such subjects with foreign states.

7. You will observe from the above remarks, that the Lieutenant-Governor is not disposed to suspend, nor to draw back from the orders he has already passed regarding the full recognition of the proprietary right of those with whom the settlement has been made, within the whole area of the village. It may be, or it may not be, that the Superintendent's own management of the village waste lands would be more successful than that of the proprietors, in bringing the lands into cultivation. That is not the question. The Superintendent has ample field for his own exertions in other parts of the district. In the settled pergunnahs every effort must be made practically to show the proprietors, that the Government has invested them with an absolute and a valuable right, in order to induce them more vigorously to labour, and more confidently to invest capital on the land made over to them upon easy terms. Several passages in Lieutenant Keatinge's letter show, that, with every desire fairly and fully to give effect to the order of the Government, he is still unable fully to comprehend the nature of the measure, or to concur in its design. It is hoped that these remarks may assist him in his effort, and that he will not hesitate any longer cordially to execute the instructions which have been furnished to him.

I have, &c.

W. MUIR,

*Secretary to Govt., N. W. P.*

## No. 48.

## POSITION OF TALOOKDARS IN THE N. W. P.

## MINUTE.

REVENUE            The Hon'ble Court of Directors in their  
DEPARTMENT, Despatch No. 9 in the Revenue Department,  
No. 311.            dated August 13th, 1851, have discussed the  
several questions arising out of the settlement of the N. W.  
Provinces, and have expressed in gratifying terms their appro-  
bation of the proceedings in general.

One point only remains undecided, and to it the Most Noble  
the Governor-General has called my attention. It is thus  
stated in para. 490 of the despatch.

“Another question of importance is, what will be the position  
at the next settlement, of the Talookdars, who waived the ques-  
tion of their right to engagements and received a Malikana  
generally of 18 per cent. on the jumma for the life of the first  
incumbent, to be, except in peculiar cases, prospectively reduced  
and finally fixed at 10 per cent. We desire to be more fully  
informed respecting the nature, extent, and duration of the  
agreement with these Talookdars, and whether the arrangement  
with them was made for the term of the settlement, or whether  
it was intended to be permanent.”

I am fully sensible of the importance of this question, and  
am most desirous that it be brought to a final close. Knowing  
the difference of opinion that existed on the subject, I took up  
the question as soon as possible after assuming charge of the  
Government of these provinces. The Resolution of the Agra  
Government contained in a letter to the Sudder Board of Reve-  
nue, dated January 17th, 1844, prescribes the course to be  
followed in such cases, and defines the rights vesting in all  
parties concerned. The arguments, on which this Resolution  
was based, were further enforced in a despatch to the Right  
Hon'ble the Governor-General, dated January 31st, 1844. To  
this despatch I have received no final reply. The Resolution  
then formed has been uniformly acted upon since.

In the course of the last year, the gentlemen who then con-  
stituted the Sudder Board of Revenue, Mr. H. S. Boulderson

and Mr. F. H. Robinson, expressed doubts regarding the propriety of the course I had laid down, though on grounds considerably differing the one from the other. They advocated the right of the Talookdar or his heirs to the entire allowance of  $22\frac{1}{2}$  per cent. on the Government jumma for the whole period of the settlement. I could see nothing in their statements to shake my conviction of the justice, and sound policy of the rules, which had been prescribed. Mr. Thornton's letter of May 21st, 1850, contains a full explanation of my views. The whole of this correspondence has been forwarded to the Hon'ble Court in the usual narrative of the occurrences during the Quarter, and must by this time be in their hands.

Having thus carefully considered, and fully discussed this subject on former occasions, it seems unnecessary now to enter upon it at large. It will be sufficient briefly to notice the main points of the case, and especially those adverted to in the Hon'ble Court's despatch to which reference is made above.

The course pursued in the settlement of Talooka Moorsawn, zillah Allyghur, is that which has been followed in the settlement of other Talookas in the provinces. Wherever subordinate village proprietors were found to exist, engagements for the Land Revenue have been taken from them, and an allowance made to the Talookdar, equal to  $22\frac{1}{2}$  per cent. of the jumma, or net sum received by the Government. This allowance was given only for the life of the Talookdar, and it was left open for future decision, what course was to be pursued on his death. I determined that of the  $22\frac{1}{2}$  per cent., 10 per cent. should be considered a heritable and transferable property; and the remaining  $12\frac{1}{2}$  per cent. should revert to the Government on the demise of the Talookdar. This course appears to me to be warranted by the most liberal interpretation of the law, to be opposed to no pledge or contract with the Talookdar, and to be consistent with a due regard to the rights of the people on the one hand, and to the interests of the Government, on the other hand.

At the same time the question is entirely one for the consideration of the Hon'ble Court of Directors. The Talookdars never have advanced, nor can they advance, a legal claim to more

than 10 per cent. on the Government demand. But if the highest authority in the state thinks fit to alienate in their favour  $22\frac{1}{2}$  per cent. of the Government Revenue for the remainder of the settlement, or in perpetuity, it can of course be done.

See paras. 20, 22, of the letter to the Sudler Board of Revenue, dated January 17th, 1844, and see paras. 19 and 22 of letter to the Governor-General, dated January 31st, 1844.

I can see no obligation to such an act of liberality nor advantage in it. I have shown that the assumption of  $22\frac{1}{2}$  per cent.,

as an allowance to the Talookdar for his life-time, in the first instance was a mere accident, or, if I may use the term, a blunder; for it was originally fixed at that amount in order to support him in a position of much cost and risk, as the responsible collector from the Biswahdars, and not to maintain him in a mere sinecure, as the pensioner of the Government.

At the next settlement, the Biswahdars must undoubtedly be admitted, as now, to engagements with the Government, and the Talookdars will receive their allowance whatever it may be, either  $22\frac{1}{2}$  per cent. on the Government jumma, if the persons originally excluded from settlement are alive, or 10 per cent. if their heirs are in possession. In process of time it is reasonable to expect that the rights of the Talookdar and Biswahdar will merge into one another. Either the Biswahdar will buy out the Talookdar, or the Talookdar will possess himself in some way or other of the Biswahdar's rights. Both processes are now going on all over the country, and they will advance more rapidly as property becomes more settled, and as soon as it is known that this question is finally set at rest.

As the question is more one of policy and expediency, than of justice, it may be satisfactory to the Hon'ble Court to know the magnitude of the sum at stake. The second of the two statements which accompany this minute shows that the ultimate saving to the Government, by the reduction of the Talookdaree allowance to 10 per cent., will be 85,779 Rupees per annum. The Statement No. I. shows that in the years which have intervened from 1844-45, when my views were first enforced, to the close of 1849-50, Rupees 71,647 had been saved to the State. If it is determined to continue to the Talookdars



their whole allowance, this sum will have to be refunded, and the future increased saving, renounced.

I would most strongly urge upon the Hon'ble Court, the speedy decision of this question. Its prolonged agitation causes doubt and uncertainty to attach to the tenure on which a large amount of property is held. I have made every effort to bring to a close this as well as all other questions touching the title to landed property, from a conviction that any uncertainty regarding them must materially affect the prosperity of the country. In treating this question I have endeavoured to follow a moderate and equitable course, and am ever ready, as in the case of the Talookdar of Mynpoory, to seek authority

from the Supreme Government to mitigate the effect of the rule, when it appears to fall too severely in particular cases.

See Mr. Thornton's letter to Secy. with Governor-General dated May 31st, 1850, October 3rd, 1851, and 25th November, 1851.

But this is a question which can never be terminated, but by the declaration of the highest authority in the State. The law does not touch it, nor is it easy to understand how the decision of a legal tribunal can be brought to bear upon it. If the Hon'ble Court approve and confirm the course laid down in Mr. Thornton's letter of January 17th, 1844, to the Sudder Board of Revenue, there is no further question on the subject. If that course is disapproved, I hope that the one prescribed in its place may be speedily determined.

J. THOMASON.

*Simla, the 24th October, 1851.*

### No. 49.

## PROPRIETARY RIGHTS IN FARMED ESTATES.

No. 4158 of 1851.

### NOTIFICATION.

REVENUE DEPARTMENT, The Lieutenant-Governor is pleased to issue, for the guidance of all officers concerned, the following Circular Order, regarding the declaration of proprietary rights, in farmed estates.

2. It has been brought to the notice of the Government, that

in most, if not in every, district of these Provinces, cases have occurred in which Mehals have been settled with farmers, in consequence of the absence of any clear proprietary title. Such Mehals are frequently called Khanah Khalec, and are considered the property of the Government.

3. At the formation of the last settlement, it was a practice generally observed, to leave parties claiming the proprietary right to make good their claims in the Civil Courts. But this course has not generally been attended with a satisfactory result. From the very nature of the case, proof of proprietary right was defective, and few cared to institute a suit, in which the onus probandi would be thrown upon them. In most cases no suit was instituted. In some cases, collusive suits between claimants and the farmers have led to decisions which declared a proprietary title, often on very insufficient grounds, and in favour of a party who had no legal right to it. The period of 12 years has now very generally elapsed since the conclusion of the settlement, and the right to sue being barred by the law of limitation, the proprietary right may be said absolutely to vest in the Government.

4. But it is not the policy of the Government to retain in its own hands the proprietorship of land. It is preferable where the indications of proprietary right are weak, to recognize them as sufficient; and, where they are absolutely non-existent, to bestow the right on the person best qualified to make a good use of it.

5. It is now therefore determined to remedy the existing defects of the settlement, and to adjudge, or bestow, a proprietary title in all the farmed estates, to which this Circular Order refers. For this purpose the Collectors will put in force the powers with which they are vested under Regulation VII. 1822, and are further authorized, where they find that there is no proof of any right, to bestow it on the person whom they consider best qualified to receive it. It remains to point out the principles on which the Collectors should act, and the course of proceeding which they should adopt.

6. In paras. 59—65 of Mr. Secretary Thornton's note of August 24th, 1844, circulated by the Sudder Dewanny Adawlut,

on January 31st, 1845, [v. Appendix XIX. Directions for Settlement Officers, new edition of 1850], much light has been thrown on the circumstances, which constitute proof of proprietary possession. But in most of the cases here referred to, proof of this kind will be very weak; perhaps even all right of any kind may have been in abeyance for a long period of years.

7. Frequently the farmer will be found himself to have proprietary claims on the Mehal, and in virtue of those claims to have obtained a lease of the Mehal as a farmer, for the term of the settlement. If so, there should be no hesitation in at once declaring him proprietor, and recording him as such in the Malgozaree Register.

8. But even if the farmer have no proprietary claims, and have only a farming lease for the period of the settlement, it will be better to recognize him at once as proprietor, unless there be strong adverse claims possessed by parties out of possession, which it would be unjust to overlook. In that case the parties out of possession may be declared proprietors, but only with right of entry on the termination of the farming lease. Malikanah should not be given, except in very glaring cases of great omissions.

9. If the proprietary title is offered to a farmer in possession, it may be that, from pecuniary embarrassment or some other cause, the farmer may decline the offer, being unwilling to change a farming tenure which is not transferable, into a proprietary tenure which is transferable. In this case the offer of the proprietary right should be made and recorded, but it will only become effective when the farmer chooses to accept it, or when the lease terminates, either by the expiration of the term, or by the demise of the farmer. In the latter case the heirs of the farmer will be recognized as proprietors. If, however, the proprietary title is bestowed on a person who is not in possession of the estate as farmer, the declaration of the right may be immediate and absolute, and need not be left dependent on the acceptance of the person, in whose favor the declaration is made.

10. When a farm has lapsed, and there is no person possessed of any equitable claim to the Mehal, the proprietary right may be put up to public auction, and sold to the highest bidder.

11. A farmer, on accepting the proprietary title to a Mehal, must be considered as binding himself to defray the costs of defending the right against all who may contest it in a Court of Law, but the Collector should be prepared to give his advice and assistance in the defence of such suits to those whom he invests with the right.

12. In declaring the proprietary right, the Collector must be most careful in specifying all the persons, in whose favour the declaration is made, and the extent of the right possessed by each. When the farmer is invested with the proprietary right in virtue of his lease, it is optional with him to admit whom he likes to a participation in the right, in addition to those who may already be in possession with him under the farm.

13. Special cases which involve peculiar features, or form a large and important class affecting great interests should be referred for the special consideration and orders of the Government.

14. All Collectors are now directed to form lists of the

| Monthly Statement of awards of proprietary right in farmed Mehals of which there are no recorded proprietors for the District of ..... and the month of ..... 185 . |                                                          |                                        |                                                   |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------|---------------------------------------------------|----------|
| No. of cases in the district on formation of first settlement.                                                                                                      | No. of cases disposed of up to close of preceding month. | No. of cases disposed of in the month. | No. of cases remaining at the close of the month. | Remarks. |
|                                                                                                                                                                     |                                                          |                                        |                                                   |          |

farmed Mehals of which there are no recorded proprietors. They will bring these cases on their files as quickly as they can conveniently dispose of them, and they will furnish monthly statements in the form noted in

the margin, to the Commissioners for transmission to the Sudder Board of Revenue, till the whole are completed.

15. A right of appeal to the Superior Revenue Authorities of course exists in all such cases; but in hearing such appeals, Commissioners and the Sudder Board of Revenue should bear in

mind, that the duty assigned to the Collector is rather discretionary than judicial. There may be many shades of opinion on the claims preferred, and interference with the orders given by the Collector should not be lightly exercised, but reserved only for important cases, where a course, in itself manifestly unjust, or inexpedient, has been pursued.

16. Such decisions need not be ordinarily referred to the Government for confirmation, but the Government reserves to itself the right of interference, when special cases are brought forward, either on petition of the parties concerned, or in consequence of difference of opinion between the Revenue Officers who may investigate them, or on any other grounds.

By order, &c.

J. THORNTON,

*Secretary to Govt., N. W. P.*

*Lieut.-Govr.'s Camp, the 28th Nov., 1851.*

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**No. 50.**

**POLICE IN THE DISTRICT OF ALLAHABAD.**

No. 4059 of 1851.

*To R. Lowther, Esquire,*

*Commissioner of the Allahabad Division,*

*Dated Simla, the 8th Nov., 1851.*

SIR,

JUDICIAL DEPARTMENT, No. 50. I am desired to acknowledge the receipt of your letter, dated September 2nd last, recommending an increase to the police of the district of Allahabad.

2. The Magistrate compares the police of the Allahabad district with that of the districts of Agra, Meerut, Goruckpoor, Moradabad, Bareilly and Benares, comes to the conclusion that his own police is underpaid, and recommends an increase of 595 Rupees per mensem to the monthly charge.

3. It is believed that never since the establishment of British rule, has the police of Allahabad been stronger or better paid, than it now is. On the conclusion of the settlement, Mr. R. Montgomery, the Magistrate and Collector of Allahabad, revised the establishment, and recommended what was then thought adequate. There is no apparent reason why an establishment which has long been considered sufficient, should now be considered insufficient. It is, however, possible that the current of events has rendered it desirable that some modification of the police force should take place. It deserves mature consideration, what those events have been, and what the nature of the change to which they tend.

4. The general pacification of India and firm establishment of our supremacy, have rendered the maintenance of peace on our frontier much easier than it formerly was. This is a consideration of some importance in a district like Allahabad, with two long and exposed frontiers. Again, crimes of atrocity and violence are less frequent than they were. Thuggee and dacoity have almost disappeared, and affrays are very unusual. At the same time the strength of the police has been materially increased by the union of the offices of Magistrate and Collector in the same hands, and by bringing the strong establishments in the Revenue Department to aid the police. Its efficiency has further been heightened by the improved means of inter-communication, all over the district.

5. On the other hand the greater weakness and submissiveness of the people lay them more open than before to petty aggressions and to extortion. It may be feared that thefts and burglaries have increased, and that instances of fraud and oppression are more numerous than they used to be.

6. These considerations evidently point to the expediency of reducing the numbers of the police, and increasing the emoluments of those who are retained. This has been done with

*Statement of the Mofussil Police Establishment.*

| No. | Designation of offices.               | Rate of salary per mensem. |       | Agra. |       | Meerut. |       | Gorakhpoor. |       | Benares. |       | Mooradabad. |       | Barcilly. |       | Allahabad. |      |
|-----|---------------------------------------|----------------------------|-------|-------|-------|---------|-------|-------------|-------|----------|-------|-------------|-------|-----------|-------|------------|------|
|     |                                       | No.                        | Pay.  | No.   | Pay.  | No.     | Pay.  | No.         | Pay.  | No.      | Pay.  | No.         | Pay.  | No.       | Pay.  | No.        | Pay. |
| 1   | Kotwals and Thanadars, .....          | 18                         | 625   | 16    | 475   | 25      | 995   | 9           | 300   | 20       | 660   | 15          | 620   | 23        | 556   |            |      |
| 2   | Naibs and Mohurris, .....             | 31                         | 258   | 27    | 192   | 25      | 354   | 35          | 692   | 42       | 283   | 34          | 353   | 24        | 183   |            |      |
| 3   | Jemadars, .....                       | 33                         | 269   | 75    | 575   | 30      | 283   | 57          | 412   | 42       | 360   | 20          | 178   | 52        | 374   |            |      |
| 4   | Scpoys, .....                         | 248                        | 1,192 | "     | "     | 39      | 730   | 7           | 14    | 26       | 156   | 68          | 410   | 1         | 8     |            |      |
| 5   | Sowars, .....                         | 44                         | 806   | 53    | 991   | 39      | 730   | 8           | 138   | 40       | 736   | 66          | 1,239 | 7         | 129   |            |      |
| 6   | Burkundauzes, .....                   | 602                        | 2,408 | 590   | 2,360 | 429     | 1,716 | 494         | 1,976 | 513      | 2,032 | 500         | 2,000 | 473       | 1,892 |            |      |
| 7   | Stationery, .....                     | "                          | 268   | "     | 137   | "       | 200   | "           | 55    | "        | 139   | "           | 152   | "         | 139   |            |      |
|     | Total, .....                          | 976                        | 5,726 | 761   | 4,730 | 518     | 4,278 | 610         | 3,587 | 683      | 4,386 | 703         | 4,952 | 580       | 3,281 |            |      |
|     | Deduct the total of lines 4, 5 and 7, | 292                        | 2,266 | 53    | 1,128 | 39      | 930   | 15          | 207   | 66       | 1,031 | 134         | 1,501 | 8         | 276   |            |      |
|     | Remainder, .....                      | 684                        | 3,460 | 708   | 3,602 | 509     | 3,348 | 595         | 3,380 | 617      | 3,355 | 569         | 3,451 | 572       | 3,005 |            |      |

good effect in many districts. There is some reason to suppose that it might also be beneficially done in the district of Allahabad.

7. The Magistrate himself has furnished good materials for judging how far such a change would be beneficial. The annexed marginal entry groups together the different branches of the police, and shows how they stand comparatively in the several districts selected by the Magistrate. Striking out the sepoy, sowars, and stationery, which are reserved for separate consideration, it will be seen that the police of Allahabad does not differ materially from the rest, in numerical force, or amount of pay.

8. The Magistrate of Allahabad has compared his establish-

| * Districts.      | Population. | Jumma.    | Area. |
|-------------------|-------------|-----------|-------|
| Agra, .....       | 8,28,220    | 16,07,981 | 1,860 |
| Meerut, .....     | 8,60,736    | 17,23,788 | 2,332 |
| Goruckpoor, ..... | 23,76,533   | 20,83,275 | 7,316 |
| Benares, .....    | 7,41,426    | 8,64,639  | 1,994 |
| Mooradabad, ..... | 9,97,362    | 12,88,965 | 2,967 |
| Barcilly, .....   | 11,43,657   | 17,98,187 | 2,937 |
| Allahabad, .....  | 7,10,263    | 21,39,534 | 2,801 |

ments with those of six other districts. The population, jumma and area of all the seven districts are shown in the margin.\* Of these, the circumstances of Goruckpoor and Benares are so peculiar that they

will not bear comparison with Allahabad. The establishments of Agra are known to be far larger and more costly than those of any other district. This may have originated in accident, but is partly due, no doubt, to the formerly disturbed condition of the neighbouring states of Scindiah and Bhurtpoor, which were long the occasion of much watchful anxiety. It may be incidentally remarked that the administration of Agra is not better than that of other districts notwithstanding the strength and cost of its establishments. However that may be, Agra is an exceptional district, and is not the fair subject of comparison with others. There remain Meerut, Mooradabad, and Barcilly, with which Allahabad may be fairly compared.

9. The number of kotwals and thanadars may be considered as showing the number of thannahs. Of these there are apparently

| Districts.        | No. of Than-<br>nahs. | Average popula-<br>tion of each<br>Thannah. | Average area of<br>each Thannah<br>jurisdiction in<br>square miles. |
|-------------------|-----------------------|---------------------------------------------|---------------------------------------------------------------------|
| Meerut, .....     | 16                    | 53,296                                      | 145.7                                                               |
| Mooradabad, ..... | 20                    | 49,868                                      | 148.3                                                               |
| Barcilly, .....   | 15                    | 76,244                                      | 195.8                                                               |
| Allahabad, .....  | 23                    | 30,881                                      | 121.8                                                               |

twenty-three in Allahabad. The average area and population of these thannahs is shown in the margin contrasted with those of the three other districts. Making even some allowance for the probable under-estimate of the population of Allahabad, there is every reason

to believe, that the thannahs are more numerous, and the



thannah jurisdictions less populous, as well as smaller, than in other districts, which are similar in circumstances. If then by a new distribution of the thannah jurisdictions, the number of the thannahs is reduced, the police will be left sufficiently strong, and funds will be available to raise the pay of those men whose services are retained. The decrease of numbers will probably render the police less inquisitorial and vexatious, the increase of pay will probably render them more respectable.

10. As to the reserved heads of sepoy and sowars, it may be observed that the former is a peculiar force only maintained in some districts. Probably the men of the jail-guard at Allahabad perform the same functions as these men do in other districts. But if not, there can be no necessity now for raising a force of that description. Sowars are a description of force on which it is not easy to place a limit. In Bengal there are none, or very few; in some districts of the N. W. Provinces there are very many, in others few. The whole force of sowars throughout these provinces was lately examined and compared, and it did not appear that there was any deficiency at Allahabad. No doubt sowars are, and may be, very useful, especially for patrolling the Grand Trunk Road, but there are no other features of the Allahabad district which call for the special services of such a force, except that it is traversed by the Grand Trunk Road. The people are orderly and well-disposed, the situation of the Sudder Station is very central, and the means of communication with the most distant parts of the district easy and rapid. Reference will, however, be again made to the materials regarding the sowar establishments formerly collected and the result of the enquiry hereafter communicated to you.

11. The Lieut.-Governor recommends the subject to your further consideration in the light in which he has now placed it, but he desires that a distinct negative may be understood to be placed on any proposition involving increased charge to the state.

I have the honor to be, &c.

J. THORNTON,

*Secretary to Government, N. W. P.*

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## No. 51.

ALTERATION OF THE COURSE OF THE EASTERN  
JUMNA CANAL.

No. 888 A.

*Memorandum on the project of altering the course of the Eastern  
Jumna Canal in the Central Division.*

REVENUE DEPARTMENT, 3rd Jan. 1852, No. 4.

I am perfectly satisfied myself of the expediency of this measure, but under existing rules it must be reported to the Court of Directors for sanction. I would print the papers and so forward it. But the report is scarcely complete enough in itself for the Press as it stands. The project is in a degree incomplete, for the actual line to be followed has not been surveyed nor laid down. Ampler reference to former correspondence, and a fuller statement of the case is also necessary, to enable persons who are not familiar with the subject to understand the project. The matter does not press. Irrigation is rapidly going on and extending. Our hands are full at present, and we are ill-prepared to enter on new undertakings. Delay will be of advantage in enabling the Executive Officer better to mature his plan.

2. Swayed by these considerations Lieut.-Col. Cantley has kindly offered to take back the papers, and to recast them. In preparing them for publication, I would beg him to reduce the scale of his large maps, so as to bring them into a convenient size for publication, and also to omit the designs for the masonry works, which are of the ordinary construction, already given in the printed notes. These latter render the publication expensive, and they are only required by the Military Board.

\* \* \* \* \*

J. THOMASON.

*Simla, October 16th, 1850.*

## No. 52.

## MAP OF BHUTTEENAH.

*Memorandum for a Map of Bhutteenah.*

REVENUE DEPARTMENT, Now that the survey of pergunnahs Wuttoo and Roree has been completed, we have dated 20th Jan. 1852, a set of plans for a good map of Bhutteenah.

No. 231. 2. In the accompanying map I have had inserted the chief alterations that are necessary to be made in the old map. A few remarks on each of the chief alterations may be useful.

3. I have seen the pergunnah map Wuttoo, furnished by Captain Stephen. That survey was made without the communication with the local officers which would have prevented several inaccuracies.

4. The nullahs or old beds of the river branching off from the Sutlej, which are a main feature of the western portion of pergunnah Wuttoo are not well shown. I send a map on the same scale as the pergunnah map, and showing them accurately. They ought to be inserted in the district map. The chief place in the district is called Oliverabad, and there is a village map of that designation. It is true that Mr. Oliver has resided there for some years and has built the cutcherry, a gunge, &c., and that the natives there call the place after him, but Fazilka is the name by which it is generally known, and which it ought to bear in the map. There is not, however, any mouzah Fazilka. The lands surveyed as mouzah Oliverabad are part of Sooltanpoor. Immediately west of the place called Oliverabad, is written "High Bank or Dunda." This is only likely to mislead. The bank so called is only the margin of one of the numerous nullahs before mentioned as coming from the Sutlej. The real Dunda, which is a singular feature of the country, remarked by Captain Brown, Major Baker, Lieut. Hodgson, Captain Becher, and all who have visited this part of country, skirts the pergunnah to the south-east, and forms the boundary with pergunnah Mullout or Muhajunee. So much for Wuttoo.

5. The boundary with Bikaner, has been laid down from the survey by Captains Jackson and Beecher in 1847-48, who went thither as Commissioners to adjudicate the boundary between Bikaner, and Buhawalpoor. It would be well to

\* The Nyewalls are better shown by Captain Brown as sandy beds than as blue by Captains Jackson and Beecher. They are mere depressions in the surface apparently the beds of old rivers, but they do not now carry water.

insert in the new map the whole\* shown here down to Anoopgarh, except that the tract called waste land, and now excluded from our possession, should not be tinted red, as it was by Captain Brown.

6. The straight line of new road, running from Fazilka to Mullont, Dubwalee, Peeplee, Aodh and Sirsah should be inserted. It is a new line of some importance, along which the Customs Chowkees are posted.

7. Pergunnah Roree and a piece of Puttecalah have been inserted from Captain Stephen's survey and should be shown in the new map. Where Roree adjoins to pergunnahs Mullont and Sirsah, the black line, laid down from Captain Stephen's survey shows the true boundary. I have examined Captain Brown's village maps abutting on Roree, and find that they show no boundary on that side. The line laid down in the district map was only a general indication of the supposed direction of the boundary.

8. As a general rule wherever Captain Stephen's survey adjoins Captain Brown's, the boundary should be given from the former and not from the latter. On comparing the district and pergunnah maps furnished by Captain Brown for Hissar as well as for Bhutteanah, I find that he did not take the trouble to lay down the frontier line with any accuracy by reduction from the village maps.

J. THOMASON.

*Camp Hissar, January 9th, 1852.*

## No 53.

## LANDS SEVERED BY THE GANGES CANAL.

No. 510 of 1852.

*To G. J. Christian, Esquire,**Offy. Secy. to the Sudder Board of Revenue, N. W. P.**Dated Camp, the 2nd February, 1852.*

SIR,

REVENUE DEPARTMENT, I am desired to forward for the consideration of the Sudder Board of Revenue the annexed No. 17. extract [para. 59] of Lieut.-Col. Cautley's Inspection Report on the 3rd Division Ganges Canal for 1851-52, dated December 23rd, 1851, regarding the position of Mouzah Checti, near Khoorjah in zillah Boolundshuhur.

2. The general question of the effect of the Canal on the villages through which it passes, by severing one portion from another, is well deserving the consideration of the Revenue Authorities. Severance will, no doubt, be the cause of much inconvenience, and perhaps of loss in some cases, but these may be much lessened by the efforts of the local authorities. Where the villages is simple zemindaree, and the proprietor does not himself cultivate land, the case is comparatively easy. The formation of a new hamlet on the portion which does not contain the village site, would enable the cultivators of that land to reside upon it, and to conduct all their agricultural operations with the same or greater care than before, and will occasion no loss to the proprietor. Some assistance may be required in founding the new hamlet. An advance, or grant of money for building the houses or for digging a well, or some such purpose, would not be misplaced, and will be granted on recommendation to that effect. But such recommendation should always be made in communication with the Canal officer, who may be able in many ways to facilitate the operation.

3. In a Putteedaree village where the proprietors are themselves cultivators, further difficulty may be experienced. The fields of the same proprietor, or of the same puttee, may be on different sides of the Canal, and the mere formation of a new

hamlet may not remedy the inconvenience occasioned by the severance. In that event, besides giving pecuniary assistance, it may be of use to persuade the proprietors to make a redistribution of their lands, or perhaps even a division of the Mehal. It is impossible to lay down precise rules for such cases; their treatment will require much tact and judgment on the part of the Collector; but it is probable that his suggestions and advice will often be found effectual to the accomplishment of the object.

4. These observations of course apply to those cases, in which [as Cheeti] the two portions of the severed village are nearly equal. Where one portion is of inconsiderable size, it may be preferable to effect a transfer of that small portion to another village, or an exchange of two portions lying on different sides. These of course can only be effected with the consent of both parties. If, however, the proprietors of any village require the Government to take from them at an equitable price or rate of reduction, a severed portion of the village, which is useless to themselves, a request to that effect must of course be complied with, and the Government must then make the most of the land so thrown on their hands.

5. In the case of Cheeti, the only remedy of the evil, which seems to have occurred, either to the people or the Officers of Government, is the construction of an additional bridge, which should connect the two portions of the village. This is a very costly expedient, which cannot be generally adopted. A far less disbursement in the manner indicated above, as assistance to the people in erecting a new hamlet, re-partitioning their lands, or otherwise, may be more acceptable to them, and more beneficial to the country.

6. Every Collector through whose district the Canal passes should be desired to make out a list of villages severed by the Canal, to examine the effect which such severance has had, and carefully to consider how the inconvenience can be best remedied.

7. A copy of this letter will be sent to the Military Board and to Lieut.-Colonel Cautley.

I have the honor to be, &c.

J. THORNTON,  
*Secy. to Government, N. W. P.*

## No. 54.

## RIGHT OF CULTIVATOR TO SUBLET HIS HOLDING.

No. 3580 of 1851.

*To W. Muir, Esquire,**Secy. to the Sudder Board of Revenue,**N. W. Provinces, Agra.**Dated Simla, the 6th October, 1851.*

SIR,

REVENUE DEPARTMENT. I am desirèd to acknowledge the receipt of your letter dated August 26th, 1851, with its enclosurè, regarding the right of Baley, a Mouroosce Asamee in Girdkaunge, Zillah Furruckabad to sublet his land.

2. It now appears that the Mouzah belongs to Government, but is leased to a farmer. This makes no difference, as regards this individual case. The decision is not considered to rule authoritatively any general principle, and the Government has no direct interest in the case, so that the matter may be allowed to rest as it is. The questions involved in it seem, however, to call for further remark.

3. On mature deliberation, the Lieutenant-Governor does not perceive how the right of a Mouroosce Ryot to sublet his land can be denied. He has a right of occupaney so long as he pays according to the Purgunnah rate for the land in his occupation. If from any cause, he does not cultivate the land himself, he is at liberty, sooner than throw up any portion of his land, to provide for its cultivation by others. He continues responsible to the Malgoozar for the rent of his land, and, so long as he pays it, the Malgoozar cannot interfere with him. If he sublets to a great advantage, presumption exists that the rent he pays is below the Purgunnah usage, and the Malgoozar may sue for re-adjustment and increase of rent; but he cannot summarily set aside the Mouroosce Ryot, and collect direct from the under-tenant. That would virtually be to oust the Mouroosce Ryot, contrary to the conditions of his tenure, which are continued cultivation and punctual payment of the cquatable rent.

4. In Mr. Cuninghame's letter, there are indications of erroneous practice in the Summary Suit Court. Apparently if the

under-tenant's name is not entered in the Putwarrie's papers the suit is dismissed on account of this defect. But if his name is entered, the Mouroosee Ryot is nonsuited, as not being entitled to sue. This might be remedied by inserting the under-tenant's name in the Putwarrie's papers, as subordinate to the Mouroosee Ryot. Great caution, however, should be observed in issuing any Circular instructions to this effect; for, unless carefully guarded and explained, they may be considered as encouraging the practice of subletting. It will be sufficient to point out to the Collector of Furruekabad, that in such cases entry of the under-tenant's name in the Putwarrie's record is not necessary.

5. In cases such as those mentioned in para. 9 of the Collector's letter, where the Mouroosee Ryot seeks to perform an act which would deteriorate the land in his occupation, the Lieutenant-Governor concurs with the Board that the Collector, in the exercise of the power vested in him, under Section 20, Regulation VII. 1822, is competent to restrain the Ryot from such acts.

6. Incidentally the Lieutenant-Governor discovers in this case another instance of a Mouzah left the property of Government from the absence of the declaration of any proprietary right. This is a question which will be more fully discussed in a separate letter.

I have the honor to be, &c.

J. THORNTON,

*Secy. to the Govt., N. W. P.*

### No. 55.

## CUSTOMS ADMINISTRATION IN 1850-51.

No. 3879.

*To Secy. Govt. of India, Financial Department.*

*Dated, Simla the 7th November, 1851.*

SIR,

SEPARATE With reference to your letter of March 21st  
REVENUE last, and in continuation of my letter of  
DEPARTMENT. April 3rd; I am now directed to furnish for  
the information of the Government of India, a copy of a let-



General Comparative Statement showing the actual Receipts and Charges of all the Customs Houses in the N. W. P. during the years 1849-50 &amp; 1850-51.

| Customs Houses. | Gross Collections. |           |          |          |          |          | Miscellaneous. |          |           |           | Total.   |          | Charges.  |           | Net Collections. |          | Percentage of Charges to Gross Collections for 1850-51. |          |  |
|-----------------|--------------------|-----------|----------|----------|----------|----------|----------------|----------|-----------|-----------|----------|----------|-----------|-----------|------------------|----------|---------------------------------------------------------|----------|--|
|                 | Salt.              |           | Sugar.   |          | Cotton.  |          | 1850-51.       |          | 1849-50.  |           | 1850-51. |          | 1849-50.  |           | 1850-51.         |          |                                                         | 1849-50. |  |
|                 | 1850-51.           | 1849-50.  | 1850-51. | 1849-50. | 1850-51. | 1849-50. | 1850-51.       | 1849-50. | 1850-51.  | 1849-50.  | 1850-51. | 1849-50. | 1850-51.  | 1849-50.  | 1850-51.         | 1849-50. |                                                         |          |  |
| Rupces          |                    |           |          |          |          |          |                |          |           |           |          |          |           |           |                  |          |                                                         |          |  |
| Andlunder, ..   | 25,900             | 2,17,031  | 17,712   | 53,728   | 6        | 51       | 5,568          | 18,275   | 49,277    | 2,89,085  | 52,881   | 71,844   | 0         | 2,17,241  | 107              | 5        | 0                                                       |          |  |
| Kolikapoor, ..  | 13,130             | 1,62,558  | 20,247   | 28,901   | 0        | 6        | 2,306          | 3,038    | 35,092    | 1,94,505  | 31,119   | 54,624   | 4,573     | 1,39,881  | 87               | 3        | 0                                                       |          |  |
| Sir-a, ..       | 35,916             | 25,674    | 21,981   | 13,910   | 632      | 58       | 2,134          | 697      | 60,694    | 40,339    | 99,918   | 45,469   | 0         | 99,918    | 45               | 4        | 0                                                       |          |  |
| Hansee, ..      | 7,39,579           | 8,63,532  | 38,865   | 44,679   | 128      | 3,117    | 646            | 836      | 7,28,978  | 9,12,163  | 1,10,683 | 68,768   | 6,08,265  | 8,43,397  | 14               | 3        | 4                                                       |          |  |
| Dehlee, ..      | 9,75,013           | 10,90,386 | 2,19,778 | 2,06,358 | 21       | 95       | 825            | 448      | 11,95,688 | 13,60,287 | 1,72,730 | 174,465  | 10,22,937 | 11,85,832 | 14               | 7        | 2                                                       |          |  |
| Modul, ..       | 8,45,488           | 11,54,451 | 13,183   | 12,950   | 64,961   | 38,041   | 1,122          | 836      | 10,14,753 | 12,96,387 | 1,01,702 | 1,01,475 | 9,13,051  | 11,94,912 | 10               | 0        | 4                                                       |          |  |
| Agra, ..        | 10,88,143          | 15,92,425 | 99,451   | 73,810   | 24,955   | 1,55,225 | 22,077         | 961      | 14,14,626 | 18,22,420 | 1,57,503 | 1,51,548 | 2,57,124  | 10,70,872 | 11               | 2        | 2                                                       |          |  |
| Total, ..       | 37,23,260          | 51,00,158 | 5,21,030 | 5,87,347 | 2,70,704 | 1,96,503 | 34,678         | 25,092   | 45,49,688 | 59,15,189 | 7,26,537 | 6,68,183 | 38,65,980 | 52,52,136 | 15               | 15       | 6                                                       |          |  |
| Mirzapoor, ..   | 234                | 235       | 66,072   | 39,030   | 11,365   | 99,818   | 5,663          | 6,171    | 1,73,934  | 1,45,254  | 478,571  | 478,571  | 478,571   | 478,571   | 45               | 2        | 9                                                       |          |  |
| Allahabad, ..   | 2,48,437           | 3,72,516  | 29,128   | 24,102   | 22,860   | 19,113   | 1,270          | 2,454    | 3,01,095  | 4,18,203  | 49,139   | 50,778   | 2,52,556  | 3,67,427  | 16               | 4        | 7                                                       |          |  |
| Culpee, ..      | 2,491              | 3,501     | 57,667   | 41,396   | 60,064   | 41,708   | 951            | 1,341    | 1,21,473  | 87,946    | 38,519   | 38,519   | 82,953    | 49,127    | 31               | 11       | 4                                                       |          |  |
| Rajapoor, ..    | 173                | 181       | 33,920   | 32,689   | 1,87,314 | 1,67,553 | 601            | 1,338    | 2,22,017  | 2,01,763  | 34,303   | 34,457   | 1,87,714  | 1,07,366  | 15               | 7        | 3                                                       |          |  |
| Total, ..       | 2,51,335           | 3,76,463  | 1,87,096 | 1,37,217 | 3,71,603 | 3,98,184 | 8,485          | 11,304   | 8,19,119  | 8,53,168  | 2,00,532 | 2,26,805 | 6,18,585  | 6,26,363  | 24               | 7        | 10                                                      |          |  |
| Grand Total, .. | 39,74,604          | 54,82,621 | 7,08,732 | 7,21,564 | 6,42,307 | 5,24,777 | 43,163         | 36,396   | 53,68,807 | 67,68,357 | 9,27,069 | 8,94,988 | 44,84,565 | 58,78,499 | 17               | 3        | 4                                                       |          |  |

\* In this item the Fixed and Contingent Charges of the Commissioner of Customs' Office are included. ditto  
 + Ditto ditto of the Collector ditto

ter from the Sudder Board of Revenue with enclosures, dated August 26th last, No. 54, reporting on the Customs receipts in 1850-51, and to offer the following observations for the consideration of the Honorable the President in Council.

2. Annexed to this letter is a Statement showing the comparative receipts and charges at each Custom House in the N. W. P. This Statement is compiled from returns made by the local Officers immediately on the close of the year. The entries will not

be found exactly to correspond with those furnished by the Accountant, or quoted by the Board. This is owing to petty adjustments of account which are made after the preparation of the returns. Still this Statement is sufficiently accurate for all practical purposes; and, as the several items will be found more conveniently arranged there than elsewhere, the amounts mentioned in this letter will be taken from it.

3. The net Collections in 1850-51 show a decrease of Rs. 14,93,934. There is a slight increase in the charges in 1850-51, but as this is only apparent owing to the dates on which the payments were made, it is necessary to look to the Gross Collections, in which there is a decrease of Rs. 13,99,550. The Lieutenant-Governor concurs with the Sudder Board of Revenue in thinking that this large falling off in the Revenue indicates no important deterioration of trade, or permanent injury to the finances of the country.

4. On July 12th, 1850, the Customs Houses of Kote Kuphoora, and Jullunder were abolished, and thus the trade between the Punjab and these Provinces was thrown open. This had no effect on the Collections from Cotton, but it caused some loss of Revenue from Sugar, and very considerably affected the duties on Salt.

5. The duty on Cotton is levied on its import, but that article is exported from the N. W. P. to the Punjab, and therefore no duty upon Cotton was levied on the Punjab Frontier.

The Cotton-crop was good, and the demand for it greater than in previous years. On this item there was an increase in the Gross Collections of Rs. 1,17,530.

|                             |          |
|-----------------------------|----------|
| Gross Collections on Cotton |          |
| in 1850-51, .....           | 6,42,307 |
| Ditto ditto, 1849-50, ..... | 5,24,777 |
| More in 1850-51, ...        | 1,17,530 |

6. The duty on Sugar is levied on its export. The Sugar-cane crop had been good in the North Western Provinces, and the demand for Sugar in the Punjab was great. During the

two months and twenty days of 1850-51 that the duty was levied on the Frontier, Rs. 37,959 were realized at the Kote Kupoora and Jullunder Customs Houses, although six months' previous notice had been given of the intention to abolish those Customs Houses on that date. It is evident that if the levy of the duty had been continued, the Collections during the year would have been large. As it was, the free-export to the Punjab of course drew to it some of the trade that would otherwise have crossed the line at other points; excluding, however, the Col-

|                                                      | 1849-50. | 1850-51. | More in<br>1850-51. | Less in<br>1850-51. |
|------------------------------------------------------|----------|----------|---------------------|---------------------|
| Gross Collections<br>on Sugar, .....                 | 7,21,561 | 7,08,732 | 0                   | 15,832              |
| Deduct Collec-<br>tions on Punjab<br>Frontier, ..... | 82,632   | 37,259   | 0                   | 44,673              |
| Remainder, ...                                       | 6,41,932 | 6,70,773 | 28,811              |                     |

lections at the above two Customs Houses, the Gross receipts from Sugar were greater in 1850-51 than in 1849-50 by

Rs. 28,841. It is undoubtedly a great boon to the Sugar manufacturers in the N. W. Provinces to have the Punjab market thrown open to them, and it is satisfactory to find that it can be effected at so trifling a diminution in the Customs Revenue.

7. It is hence evident that the great decrease in the Customs Revenue arises from the falling off in the Collections from Salt, which has amounted to Rs. 15,08,037.

|                                                |                  |
|------------------------------------------------|------------------|
| Gross Collections on Salt<br>in 1849-50, ..... | 51,82,641        |
| Ditto ditto, 1850-51, .....                    | 39,74,604        |
| Decrease in 1850-51,...                        | <u>15,08,037</u> |

8. This is in a great measure owing to the cessation of the duty on the Punjab Frontier. In all the tract of country North of the Hissar line and lying between the Sutlej and Beas to the West and the Jumna to the East, the Lahore Salt used to be largely consumed, till on the close of the Sikh war of 1845-46, the N. W. Frontier line was extended from the Blutty Territory to the Hills, and thus a heavy duty of 2 Rupees per maund was levied on the import of Salt from the Punjab mines. The rock Salt of the Punjab is a purer and better Salt than those with which it comes mostly into competition in the above tract. The people, therefore,

have greatly benefited by the substitution of the one for the other; nor have the Revenues of the State suffered in any material degree; for as the Salt at the Punjab mines is sold by the Government at 2 Rs. the maund, the sum now realized in the Punjab is only less than that before levied on the line, by the cost price of the Rock Salt at the mines in the Punjab, which is

believed to be small. The decrease in the Gross Collections on Salt on the Frontier line, due to this cause, may be stated at 5,79,816 Rs. which is, in fact, a transfer from the N. W. Province Customs Receipts to the Punjab Receipts.

9. Another cause of decrease in the Gross Collections from Salt in 1850-51 is the diminished consumption of Western Salts in the

| Gross Collections at,                | 1849-50.  | 1850-51.  |
|--------------------------------------|-----------|-----------|
| Jullunder, .....                     | 2,17,031  | 25,990    |
| Kote Kupoorah, .....                 | 1,62,558  | 13,139    |
| Hansee, .....                        | 8,63,532  | 7,39,519  |
| Dellee, .....                        | 10,90,386 | 9,75,043  |
| Total, .....                         | 23,33,507 | 17,53,691 |
| Deduct Collections in 1850-51, ..... | 17,53,691 |           |
| Decrease in 1850-51,                 | 5,79,816  |           |

N. B.—The Collections at Sirsa have not been included in this calculation, because the slight increase in the Collections at that Custom House is due to the extension of the line from Malout to the Sutlej.

Benares Province, East of the special duty line. The quantity of Salt that passed the special duty line at Allahabad was 2,49,018 maunds less in 1850-51 than in 1849-50. This caused a loss of Rupees 1,24,109 in the receipts at the Allahabad Custom House, and a further loss on the N. W. P. Custom Houses of 4,98,036 Rupees, or, in all, a loss of 6,22,145, or two Rupees eight annas a maund which is the duty levied on all Salt consumed East of Allahabad.

10. It is not easy to explain very correctly, how this deficiency has arisen. The transport of Salt across the special duty line at Allahabad is always very irregular. It varies unaccountably from month to month, and year to year. In the Benares Division, the Eastern and Western Salts come into competition. Any thing which affects the cost of production, or the cost of carriage in one quarter or another, tells upon the price of the articles in the markets of the Benares Division. Supposing the cost price of the Eastern Salts in Calcutta, and of the Western at Agra, to be the same, and the quality equal, then the

rates of freight would affect the price. The superior costliness of up-stream transport from Calcutta to Benares, over the down-stream transport from Agra to Benares, is compensated by the circumstance that Salt is a return cargo from Calcutta, whereas it is a principal article of export from Agra, and it is difficult to obtain a return cargo for it from Benares. During 1850-51 grain was cheap and abundant in the Upper Doab; and the cotton-crop was large. There was, therefore, a considerable export both of grain and cotton from the country near and above Agra, and difficulty was experienced in procuring boats for the carriage of Salt. This circumstance, no doubt, diminished the supply of Western Salt in the Benares markets.

11. There is also much reason to suppose that Salt, chiefly from the Sambhur lake, found its way South of the Frontier line in the Mirzapore district, and so rounded the line without paying any duty. The Sudder Board of Revenue (para. 8th) do not attach much weight to this cause of decrease in the Collections, because they find that the quantity of Balumbha Salt, sent from Bhurtpore through Gwalior and outside of the frontier line, has been but slightly increased. But the Salt that has found its way South of Mirzapore, untaxed, into the British Territory, is said to be almost entirely Sambhur Salt, which being purer and better than the Balumbha would better bear the long and expensive land carriage.

12. The frontier line, as originally constituted in 1843, rested on the Soane river, where it terminated, the difficulties of the land carriage being supposed to be such as to prevent Salt being profitably brought round that point. It was lately found, however, that large depôts of Sambhur Salt were formed at Kone, a village in British Singrowlee, South of the Soane, whence it was brought up across the Eastern Frontier of the Mirzapore District to Benares and the neighbouring markets.

13. In order to put a stop to this import of untaxed Salt into the very centre of the British dominions, the Lieutenant-Governor, under the power vested in him by Section III. Act XIV. of 1843, in a public notification dated 14th May last, extended the Frontier line across the river Soane to the furthest

limit of British Singrowlee. This will compel the traders, if they still seek to evade payment of duty, to adopt a very circuitous route, passing about forty miles South of the Soane, through a mountainous country, difficult to traverse, and ill-supplied with water. It is probable that an effectual barrier will thus be opposed to importation in this direction, but a strict watch will be maintained, and further preventive measures will be adopted if necessary.

14. It is, however, commonly reported that, since the abolition of the Behar line of Chowkees which was designed to exclude the Western Salts from Behar, the Eastern Salts have obtained a superiority over the Western Salts in the Benares markets, rather than the Western over the Eastern in the Behar markets. It is difficult to come to any certain conclusion on this subject; but there is every reason to believe that the British Sea-import-

ed Salt is coming extensively into demand in the Benares markets. This is confirmed by the returns\* of Salt which has passed the Nyasurai Chowkee on its way northward from Calcutta, and is consistent with the known large increase† of late years in the importation of Sea-

| *<br>Year.    | Punjab (Bengal)<br>Salt from Agencies and Sulkeas<br>Golahs. | Kurkutch (Coast)<br>and Rock Salt,<br>&c. from Sulkeas<br>Golahs. | Kurkutch (Coast)<br>and Rock Salt,<br>&c. on duty. | Total.    |
|---------------|--------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------|-----------|
|               | Mds.                                                         | Mds.                                                              | Mds.                                               | Mds.      |
| 1848-49. .... | 10,94,637                                                    | 1,23,600                                                          | 13,48,657                                          | 25,16,894 |
| 1849-50. .... | 14,46,229                                                    | 1,95,906                                                          | 16,30,753                                          | 32,72,892 |
| 1850-51. .... | 10,04,466                                                    | 44,813                                                            | 19,51,567                                          | 30,00,847 |

† Quantity of Salt sold and paying customs duty, including clearances under excise.

| Year.         | Wholesale. | Retail.   | Imports and Ex-<br>cise.* | Total.    |                  |
|---------------|------------|-----------|---------------------------|-----------|------------------|
|               | Mds.       | Mds.      | Mds.                      | Mds.      |                  |
| 1844-45. .... | 41,50,346  | 8,64,390  | 9,70,595                  | 59,85,331 | * Salt clear-    |
| 1845-46. .... | 33,99,275  | 9,15,221  | 15,81,986                 | 58,96,482 | ances un-        |
| 1846-47. .... | 37,11,446  | 9,95,712  | 14,66,744                 | 61,73,902 | der a sys-       |
| 1847-48. .... | 39,92,316  | 9,18,846  | 16,15,084                 | 65,26,246 | tem of ex-       |
| 1848-49. .... | 33,16,637  | 9,26,018  | 16,26,706                 | 58,69,361 | cise com-        |
| 1849-50. .... | 33,83,833  | 10,87,623 | 21,26,848                 | 65,98,304 | menced           |
| 1850-51. .... | 28,25,100  | 8,43,596  | 26,36,033                 | 63,04,729 | in May,<br>1848. |

borne Salt. This, however, is in itself a cause of satisfaction, for the Salt is purer and better than the Balumbha, or Salumba, or even the Sambhur Salts, and the duty on it is believed to be

more easily and cheaply realized, besides which the trade gives employment to British Shipping.

15. In so far then as the falling off in the consumption of Western Salts within the Benares division is the result of the introduction of untaxed Samblhur Salt, there is reason to hope that an effectual remedy has already been applied. In so far, however, as it results from the increased consumption of Eastern Salts, it is a mere transfer of the Collections from the Government Treasuries in the N. W. Provinces to those in the Bengal section of the Presidency, and affords reason to believe that the people are supplied at a cheaper rate with better Salt than before.

|                                                           |           |                                 |
|-----------------------------------------------------------|-----------|---------------------------------|
| 16. It will, however, be perceived that the two causes of |           | decrease in the Collections on  |
| Decrease owing to abolition                               |           | Salt, which have already been   |
| of Punjab Frontier line,                                  | 5,79,816  | noticed, do not account for the |
| Ditto ditto diminished                                    |           | entire decrease in the total    |
| consumption in Benares                                    |           | amount. There is a balance of   |
| Division, .....                                           | 6,22,145  | Rs. 3,06,076 to be yet explain- |
| Unaccounted for, .....                                    | 3,06,076  |                                 |
|                                                           | <hr/>     |                                 |
| Total decrease, ....                                      | 15,08,037 |                                 |

ed. It is not easy to account for this with perfect satisfaction. The country during the year 1850-51, has been very prosperous. The harvests have been good, the prices of grain remarkably low, the season healthy, and there has been every reason to anticipate an increasing consumption of Salt. At the same time, the Customs Preventive Establishments are very efficient. It is believed that there is very little smuggling across the frontier line, and successful efforts have been made during the course of the year to check the illicit manufacture of Salt in the Dooab. Notwithstanding these circumstances, which would lead to the expectation of increased Revenue, the Collections have considerably fallen off.

17. It must, however, be borne in mind that the year 1849-50, with which the comparison is instituted, is one in which the Collections were unprecedentedly large. In the amount of the duties on Salt, it may be always observed that when other causes remain the same, there is during a year of war an unusual decrease, and in the year succeeding it an unusual increase in the Collections and a subsequent fall. This is apparent from the

marginal\* entry, showing the gross Collections on Salt in each year subsequent to the introduction of the present system under Act XIV. of 1843. It is not difficult to assign a probable cause

|                                        | Rs.           |                         |
|----------------------------------------|---------------|-------------------------|
| 1843-44, .....                         | 33,86,631     | Gwalior Campaign.       |
| 1844-45, .....                         | 47,79,452     |                         |
| 1845-46, .....                         | 37,90,548     | Campaign on the Sutlej. |
| 1846-47, .....                         | 50,04,841     |                         |
| 1847-48, .....                         | 43,91,327     |                         |
| 1848-49, .....                         | 46,68,157     | Campaign in the Punjab. |
| 1849-50, .....                         | 54,82,683     |                         |
| 1850-51, .....                         | 39,74,633     |                         |
| Total,.....                            | 8)3,54,78,275 |                         |
| Average of 8 last years,               | 44,34,784     |                         |
| Average of 3 last years,               | 47,08,491     |                         |
| Increase in average 3 last years,..... | 2,73,707      |                         |

for this. During a campaign, the great demand for carriage for Military purposes impedes the traffic of the country, and the importations are reduced; but as soon as the war is ended, an increased importation takes place to make up the stores to their former standard; and the following year, the importations fall again to their natural level, or perhaps somewhat below it.

18. It will be observed above, that the average receipts of the last three years exceed by nearly three lacs of Rupees the average receipts of the last eight years. It is fair to suppose that the importations of 1849-50, did more than supply the short importations of 1848-49; and, united with the abolition of duties on the Punjab Frontier in 1850, occasioned the short Collections of 1850-51.

19. There is not much prospect of any great increase in the Collections from Salt above the average of the last eight years. It is believed that the population and wealth of the provinces are increasing, and it may be expected that they will go on increasing, if the seasons are good. If also the increased powers, which have lately been sought for with respect to Saltpetre Manufactories, are given by the legislature, the production of untaxed Salt in the Dooab may be greatly lessened. But there is every reason to believe that the consumption of the rock Salt of the Punjab will increase in the Western markets as the cost of carriage is lessened by the improvement of the roads and greater use of Carts; and also that the sea-borne rock Salt from Europe will find its way more and more into the Central



Provinces, as its superiority of quality over the Western Salts becomes better known. Both these causes will occasion a diminution of apparent receipts, whilst the preventive Establishments must be maintained in their full efficiency. This, however, will afford no grounds for regret. The people will be furnished with a purer and more wholesome Salt than heretofore, and the duty upon it will find its way into the Lahore and Bengal Treasuries, instead of into those of the N. W. Provinces. It must only be remembered that the Customs Establishments of the N. W. P. keep a market for the Bengal and Punjab Salts, and that their costliness is not to be judged simply by a reference to the receipts from Salt which crosses the line.

20. But an opening apparently presents itself for reducing the expense of the superintendence of the Department. Since the abolition of the Custom-houses on the Punjab Frontier, the duties of the Commissioner of the Dehlie Division have been much reduced. The receipts in the Mirzapoor Division are small, and are not likely to increase, nor is the line a difficult one to guard. One Commissioner, with his Head Quarters ordinarily at Agra, on a Salary of Rupees 2,500 per mensem, might well perform the duties now devolved on the Commissioner and Collector, one of whom receives 3000 and the other 2,500 per mensem. The Collectorship of Mirzapoor is likely soon to fall vacant, and the Lieutenant-Governor proposes not to fill up the appointment, but to make Mr. G. H. Smith sole Commissioner of the whole line, retaining during the period of his incumbency his present salary of 3000 Rs. per mensem. This would make an immediate saving of 30,000 Rs. per annum, and an ultimate reduction of 36,000 per annum, with something additional on account of reduced office Establishment. Further than this, it is impossible to calculate on much reduction of the cost of collection. The preventive service cannot safely be weakened. The pay of the Deputy Collectors is on the lowest possible scale, considering their large powers and great pecuniary responsibility. These Officers, drawn from the Uncovenanted service, have, hitherto, shown themselves extremely intelligent, diligent, and honest in the discharge of their duties. A proposal has

been made for somewhat bettering their prospects of promotion, and has been referred to the Honorable Court of Directors; but no reply has yet been received to the application. If the Government expect to retain the zealous and cheerful services of these Officers, the hope must be held out to them of higher and more rapid advancement than that which they now have.

I have, &c.

J. THORNTON,  
Secy. to Govt., N. W. P.

### No. 56.

#### MEMORANDUM REGARDING THE BHUTTY TERRITORY.

REVENUE DEPARTMENT,  
2nd Feb. 1852.  
No. 34.

Having lately passed through the Bhutte Territory, I am desirous to place on record such observations as I was able to make, in the course of my progress. This is the more necessary, because Captain Robinson the present Superintendent is about to leave the district, and his successor will wish to be kept informed of all that has been the subject of enquiry and remark.

2. I entered the Territory at its Western extremity from Mundote to Fazilka, and thence marched by Ubohur to Mullote, and along the new route by Sirsa, leaving the district at the eastern extremity a little beyond Jodka.

3. The new pergunnah of Wuttoo on the Sutlej, ceded to us in 1843, by Nuwab Bahawu Khan seems to be improving.

Mr. Oliver has exerted himself with most commendable zeal to promote its prosperity. A detailed settlement has just been formed of the inhabited villages. This settlement is apparently fair and moderate. Malikana should be given in a few cases to the proprietors, where farmers have been introduced for a short period in consequence of their recusancy. With this alteration, the settlement may be recommended for sanction for the period of twenty years.

4. Much may be effected in this pergunnah by promoting irrigation, both from the Wells to be constructed in Wuttoo. natural channels of the river, and from wells. Mr. Oliver is sensible of this, and has made great exertions for the purpose with considerable success. The sum of Rs. 1,400 was granted a few years ago for the construction of wells. By these means four pucca wells have been constructed in Ramnuggur, the cost of which will be repaid to the Government, and which will also yield a present income. A liberal advance of Tuccavee for this purpose will not be misplaced. In sanctioning this, the Sudder Board of Revenue should allow some relaxation of their strict rules in this respect to suit the peculiar circumstances of the new country. It is, however, convenient for regularity of account that all disbursements of this nature should be made as Tuccavee, and so shown in the public accounts. Mr. Oliver should be allowed a large discretion in the formation of such works. I have authorized him immediately to make his preparations for extensive well-sinking, making such disbursements as may be necessary from his inefficient balance, in anticipation of the regular sanction, for which he should immediately apply.

5. The pergunnah of Wuttoo may be advantageously considered as divided into two portions by the road which traverses it from Mundote to Buhawulpoor. The river side portion contains 43,388 acres, of which 14,997 are cultivated, and the villages which are situated within it bear a juma of about 22,000 Rs. The inland portion to the South and East of the road, contains 79,216 acres, which are wholly waste and unassessed from want of the means of irrigation. The whole lies below the Dunda or ancient high bank of the Sutlej, and is therefore susceptible of irrigation from the Sutlej, as the river portion is. Supposing the inland portion of the pergunnah to attain the same degree of fertility as the river portion, and this is no unreasonable supposition, the juma of the land would be 40,000 Rupees, which at 10 per cent. may be held to represent a capital of 4,00,000 Rs. and would warrant an expenditure to that amount in the construc-

Suggestion for the irrigation of Wuttoo by Canals.

tion of canals and cuts from the river at the expense of the State. This scheme is well deserving of mature consideration.

6. The Jail is sufficient for the required purpose, but the wards are thatched, and the prisoners chained within them at night. This is most objectionable from the risk of fire. The expenditure of a few hundred Rupees, will enable the Assistant to make the roof pucca, and to dispense with the use of the chain by night. This should be done immediately. The requisite cost will be sanctioned on application through the Commissioner.

7. The ferries over the Sutlej used to be managed by the Civil authorities at Fazilka, till the annexation of the Punjab. The management of them was then assumed by the authorities at Futtehpoor Goozeiruh, but the Board of Administration have admitted the claim of the Wuttoo Local Committee to one half the produce of the ferries. It is evident that the ferries can be much more efficiently controlled and managed from Fazilka, which is close on the river bank, than from Futtehpoor Goozeiruh, which is far distant. The Board will be moved to re-transfer the ferries to Fazilka, on the expiration of the present farm, and the net proceeds will be divided then, as now, between the British districts on either bank of the Sutlej.

8. Mr. Oliver's conduct seems to have been called in question regarding the Bahyah Badlas, who left the territories of the Nuwab of Mundote and settled in pergunnah Wuttoo. This was the subject of much enquiry, and Mr. Oliver was entirely acquitted of all blame. There is no reason whatever to suppose that he fomented discord in the Mundote Territory, or encouraged resistance to legal authority there. He received, as he was bound to do, all refugees from that state, who were not guilty of heinous crimes, and restrained them from making inroads on the Mundote Territory, by way of revenge. His instructions are to continue this course of conduct, and to meet all requisitions from the

Mundote authorities for the surrender of alleged criminals, by a reference to the Superintendent at Sirsa, or the British authorities in the Cis-Sutlej Territory. If there is good reason to believe that the accused persons have really been guilty of heinous crimes for which they ought to be punished by the power to whom they are legally subject, they ought of course to be surrendered. In that case, provision must be made for the fair trial and just sentence of the persons so surrendered. This is the course now pursued along the Onde Frontier in concert with the Resident at Lucknow.

9. The Bhuttee Territory east of Wuttoo and above the Dundas is a different country

The Bhuttee Territory east of Wuttoo. from Wuttoo itself, and the difficulties of cultivating and peopling it are much greater. The soil is good, but the scantiness of the rains, and entire absence of all artificial irrigation, afford an effectual barrier to its reclamation from a state of waste. Even in the Eastern portion where the waters of the Cuggur generally find their way down some time or other in the year, the supply is so precarious both as to quantity and time, that little systematic use can be made of the means of irrigation.

10. The annexed statement furnished to me by Captain Robinson shows the Revenue

Revenue Returns for 1851-52. expectations from the whole Territory for the current year 1851-52, i. e. the Rubbee of the last Fussily and Khurcef of the present Fussily year. The statement shows the demand, Collections and Balances for the Sothur (flooded) lands, and the Rohee (high unirrigated) lands separately. The produce of the former depends on the floods down the Cuggur, that of the latter on the rains. Last year the rain was scanty, but the promise from the Sothur lands was good, when an unusual flood down the Cuggur in February submerged and destroyed the whole of Rubbec. Hence the large balance in Raicea. This year the rains commenced most favorably. There was a fine fall of rain in July, but the Cuggur did not come down as usual in full flood. Since the beginning of August to the present time there has been no rain and no flood. Hence the Khurcef has failed, and this explains the

balances on the Rohee lands. The prospect of the Rubbee is very bad, and this will affect the returns for next year.

11. It is evident that little revenue can be expected from a country so situated as the Bhuttee Territory is. Till something is done to secure a regular supply of water for irrigation from some source or other, large balances will constantly arise. But because this is the case we must not despair. Although the fruits of good management may not be so great and apparent as elsewhere, yet just and judicious government may do much to humanize the people, and to train them to habits of order and industry. I proceed to mention those measures which appear to be best calculated for this purpose and to be within our reach.

12. I have been struck with the apparent uncertainty attaching to rights of land in this territory. Although land appears to be of small value, and so abundant that it might be supposed little the object of desire, there have been numerous petitions presented to me claiming possession of certain lands, or the exercise of certain rights, of which the petitioners are debarred. This is a hopeful symptom. It shows that we have material to work upon, and it indicates the direction our efforts should take. Here, as elsewhere, men will not undertake to improve land, to which they hold no certain and definite title. The first step must be to assure every man of his rights. Till this is done, we have no ground to complain of apathy or want of energy on the part of the people. The means for effecting this are amply at hand. A professional Revenue Survey of the whole territory was made 22 years ago, but the settlement has not yet been made. I requested to be favored with a memorandum of the number of settled and unsettled villages, but this could not be furnished at the time. There is great reason to fear that even in the settled villages rights are imperfectly defined. This is a subject deserving the closest attention of the Sudder Board of Revenue, and of all connected with the district. The work must be set about earnestly, systematically, regularly. The operation is no new or untried one. The juma must of course be very light. The

Settlement defective. The defects to be remedied and the whole completed and reported.

quantity of Revenue to be realized is comparatively of very little consequence. The great object is the moral improvement of the people.

13. Advertence has already been had to the precarious produce from the Sothur lands.

Sothur lands how they should be settled. In such settlements as have

been made, there has been considerable diversity in the treatment of these lands. Sometimes they have been nominally assessed at the maximum which can be realized in a good year, and heavy balances have been remitted in successive years. Elsewhere they have been altogether excluded from assessment, and held kham. Both proceedings were alike at variance with our established principles of Revenue administration. Here, as elsewhere, the juma should be fixed at the fair average produce of the lands, such as the people might hope to be able to pay with ordinary prudence in a run of years. In very bad seasons the Sothur lands, should be held kham, and the balance left for possible recovery in future years. If there is no balance, and an unusually good season occurs, the people should be left without stint and grudge, to the enjoyment of what their good fortune has given them. On this principle I would wish a twenty years' settlement of the Sothur, as well as of the Rohee lands to be made.

14. There is still much waste and unoccupied land, which

Terms to be fixed, on which waste land is to be granted.

it is most desirable to bring into cultivation. In order to effect this, it is necessary that the terms on which land is to be had, should be liberal, determinate, and generally known.

I had in my eye the orders of August 3rd, 1844 sanctioning Mr. Vans Agnew's plan.

(Note added on August 16th, 1852.)  
(Signed) J. T.

I thought that the terms on which land was to be had have been laid down by the Government, and I still think that

this is the case. But no such terms are known or observed in the district, and there seems to have been a vagueness and caprice in this respect, which can scarcely have failed to check enterprise. It is very true that the circumstances of the country are peculiar, and that the habits of the people

are such as makes it difficult to deal with them. These facts render it necessary that the terms on which land is to be had should be carefully considered, and skilfully adapted to the requirements of the case. The land in its natural state is valuable for pasturage, and the object of letting it out in grants is mainly to secure permanent habitation and a certain effort at cultivation. The people have little or no capital, and are a wandering race peculiarly indisposed to bind themselves down to residence on a fixed spot. All grants to them should provide for permanent residence as a condition of the tenure, and require collateral security for the fulfilment of the terms. If seasons of extreme severity, or other unlooked-for misfortunes, disappoint the hopes of the grantees, and frustrate their exertions, liberal allowance should be made to them; but this is no reason why the terms adapted to the ordinary course of events should not be precise and binding. If we wish to teach a wild people regularity, method, and good faith, we should begin by proving to them that our own proceedings are formed on these principles. We must give ourselves no opening for partiality or caprice, if we wish to inspire them with confidence in our wisdom and justice. I beg that in the spirit of these remarks, the local authorities will take the subject into their mature consideration, and propose such terms as they think most suitable. It is evident that the terms prescribed for grants in the Dhoon or in Gornkhpoor, &c. (vide Appendix No. XXI. Directions for Collectors) are unsuitable to the circumstances of the country. The safest way of arriving at a conclusion is to examine what have been the terms on which land has been hitherto granted in the territory, and to adopt that course of proceeding which has generally been found most successful.

15. The attention of the local authorities has been well directed to the opening out of  
 Roads in the territory. roads through the country.

So far as the formation of the mere road goes, the work is easy, the soil is smooth and hard, for ordinary traffic. But the important work is to provide secure and convenient halting-places along the road. This too has been well commenced, and is still



in progress. Every halting-place should have its well\* and tank

\* The Government have ordered the construction by the Executive Officer of a well at Malout. It is much wanted there, but the Executive Officer at Dehli is helpless. He cannot make it. I have desired Mr. Oliver at Fazilka immediately to set about the undertaking, and will place at his disposal the money, which would have been disbursed through the Department of public works.

for the public use, entirely or partly formed by the Government, with its safe and well guarded Serai, containing accommodation both for natives and Europeans. Provision should also be made for the sale on fair terms of all ordinary articles of food.

16. The present line of road runs from Sirsa by Dnbwalee and Malout to Fazilka and Mouznm Ghat along the Customs line. I should like to see an alternative line opened running from Sirsa, south of the present line and beyond Customs jurisdiction by Ubohur to Jungur Ghat. This might often be adopted by camels laden with sugar, which had paid duty, and wished to avoid the further interference of the Customs officers. Little more would be requisite than to clear and mark out the line. Stations might gradually be formed along it.

17. There seems some reason to hope that when the line of road has been formed across the Punjab in continuation of this line, and when the road from Lahore to Mooltan is also completed, this route by Sirsa and Fazilka will be often adopted. Already there is a very considerable amount of traffic upon it.

18. The town of Sirsa itself appears to be flourishing, and will probably advance in wealth and importance as the country

around it becomes better cultivated and more populous. The public buildings, the jail, Cutcheries, &c. are very good, and the town is admirably supplied with all that is necessary for the protection and convenience of the people. These advantages are mainly owing to the public spirit and indefatigable exertions

of Captain E. Robinson, the Superintendent, who has now held the office for upwards of twelve years. In the whole district as well as in the town, his efforts have been great and unintermitted. The improvement during his tenure of office has been considerable. That

it has not been greater is owing to accidents of season, over which he could exercise no control. No small share of the praise which is most justly his due, consists in the wonderful patience and perseverance with which he has steadily carried on his plans, notwithstanding disappointments and discouragements which would have borne down a less determined spirit. He is at length forced away from the appointment, by broken health which will admit of no further delay. In him the people lose a firm and kind friend, the Government a most energetic and faithful servant. It is hoped that his successor will vigorously apply himself to carry out the schemes, which have suggested themselves to Captain Robinson's attention.

19. With this view Captain Robinson has promised to leave to his successor ample notes of all points which he considers deserving of consideration. But he also gives hope of being able at his leisure, after leaving the district, to compile a full narrative of his own experience in the district and of all that he considers necessary to its further improvement. Some such document as this will be most useful, and assistance will readily be given towards its preparation, by the grant of a sum to meet any necessary expenses which it may involve.

20. It was brought to my notice that there was much waste

Waste land round the town of Sirsa.

land round Sirsa, the site of old ruins, and unsuited in its present state for cultivation, which might be formed into gardens, if sufficient inducement were held out. There can be no question of the desirableness of encouraging this in every possible way. Rules might be laid down, suited to the circumstances of the place, and compiled in the spirit, but not letter, of those prescribed in Appendix No. XXIX. Directions for Collectors for the appropriation of Nuzool lands. Those who have already made gardens without any express terms, should be treated with leniency and consideration. New applicants should be required to pay the full value. The steps in the process would be these. Mark off all the land available for the purpose round the town; divide it into suitable allotments; fix an equitable upset price; advertise for applications. When application is made for any lot, put it up at the upset price, for sale by public auction, and

sell to the highest bidder. The sums thus raised may be held in deposit as Nuzool funds, and disbursed by the Local agents under the sanction of the Commissioner for the improvement of the town.

J. THOMASON.

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No. 57.

ARRANGEMENT OF INTERNAL DIVISIONS IN  
ROHTUCK.

*Memorandum for the Arrangement of the Internal Divisions of the Rohtuck District and the formation of a New Map.*

In arranging the internal divisions of a district, it is best to begin with the pergunnahs. Taking the  
REVENUE  
DEPARTMENT, pergunnahs as they now stand, the following  
3rd Feb. 1852. changes should be made.

No. 89. 2. Pergunnah Gohanuh may remain as it is.

3. The following villages should be transferred from Mehim to Bhewance, Tigree, Khoosrah, Gooskamee, Tigrana.

4. The Jhujhur villages of Sye, Rewaree khera, Hursook-poor, Gudhee Sirsa, Ghogra and Phoolpcora, and the Dadree villages of Meelathul, Chang and Bomla should be considered as attached to pergunnah Bhewance for the purposes of local administration.

5. The Dadree villages of Sypul, Bound Kulan, and Khurraree\*

\* Not yet transferred. should be considered part of Mehim, and Annoul should

be transferred from Rohtuck to Mehim.

6. The Jhujhur villages of Musaoodpoor, Glochee, Sreeeah, and Charah should be considered part of pergunnah Behree, and to this pergunnah should be transferred Pillamee, Choochee, and Mudanah, from pergunnah Rohtuck and Agerpoor, from pergunnah Mandhoutah, Doojanah and Muhrehra which belong to the Nuwab of Doojanah should not be shown in the map.

7. Pergunnah Rohtuck will remain as it is, with the exception of the villages transferred to Beree.

8. Ismayahh, Thooltunnh, Asaindah, and Asaindah Muzrah should be transferred from Kurkhonda to Mundonthee, and Monza Seehotee from Mundonthee to Kurkhonda. Burlace, at present said to belong to Dehlie and cut off from it by the interposition of Buladoorgurh, should be annexed to Mundontee.

9. The pergunnah boundaries being thus arranged, we may divide them into four Tuhseeldarees, and seven Thanahs, thus:

10. Pergunnah Gohanah will constitute one Tuhseeldaree and one Thanah, both situate as now at Gohanah.

11. Pergunnahs Mehim and Bhewanee will constitute, as now, one Tuhseeldaree, at Mehim. Thanah Bhewanee at Bhewanee will consist of the pergunnah as now constituted. Thanah Kalanoor will consist of the villages of Mehim lying south of Keylga, Bussana, and Mokra. The rest of pergunnah Mehim north of those villages will constitute Thanah Mehim at Mehim.

12. The Tuhseeldaree of Rohtuck at Rohtuck will comprise pergunnahs Rohtuck and Beree, each of which will constitute a Thanah at the respective Kushah.

13. Pergunnahs Kurkhonda and Mundontee will constitute one Tuhseeldaree and one Thanah. The Tuhseeldaree and Thanah should be at Samplah, and a strong post at Kurkhonda. The expense of building a new Tuhseeldaree and Thanah at Samplah will be sanctioned.

14. There are ample materials for an excellent map. A large map on the scale of one mile to an inch, compiled I believe from the village maps, by Mr. Smith at Hissar shows the whole particulars of all the villages. From these, several smaller maps on the scale of four miles to an inch showing village boundaries have been compiled, which are more or less accurate. From the large map, Lieutenant Turnbull will have no difficulty in compiling a good map, showing village boundaries and sites, with the chief roads and canals and rajbnhas. Where the villages are large, as here, this might very conveniently be on the scale of four miles to the inch.

15. The villages managed by us for Jhujhur and Dadree, should all be surveyed either by Khusrh or professionally, as may be found practicable. Bound and Bamlah have been so already. Meetathul and Chang, of which we have the Revenue

question. It may not be prudent to trust altogether to the industry or ingenuity of one party or another in supplying proof, but the assistance of each party should be sought, in examining the truth of the adverse statement. A great point will be gained, when the facts of the case are known, when it is proved what amount is due from each person and from what cause.

4. It will then remain to be determined whether the balances are to be realized from the individuals or from the community and by what process. The law invests the Munduls with the power of determining this. They can bring each Biswadaree tenure to sale under Act VIII. 1835. It is very doubtful whether they have any disposition to do so, and it is most probable, that in the course to be pursued they will be guided by the advice and representations of the Revenue officer. Here his skill will be mainly shown. It is less difficult oracularly to give an order and then to enforce it than to win over a man, who is possessed of a legal right, to follow a course wise in itself, but opposed to what he conceives his interest demands or to what his passion dictates. It is just possible that the Munduls have allowed the balances to accumulate, in order that they may crush the Biswadars and extinguish their rights. I do not think this is the case. If it is, they are likely to pay a heavy penalty for such an attempt, for agricultural labour is now at a premium, and if the Biswadars throw up their lands, it will not be easy to get other cultivators to replace them.

5. It must be remembered that if the Munduls agree to sus-

In any case of sale or of sale under Act VIII. 1835, it will be necessary to adjust the rates to be paid by the old Biswadars for their reer lands.

pend or remit any part of their claim, a formal deed of remission must be drawn out on stamped paper, as between

the parties, and executed before witnesses.

6. The insight obtained into the merits of the last settlement by the enquiries regarding the balances, will make the formation of a new settlement a comparatively easy task. If there are no old balances, or if there ought to have been none, the old settlement ought to be renewed. If balances have unavoidably and excusably arisen, during the last settlement, it

may be presumed that the settlement ought to be reduced. Here as in the case of the balances, the process is one of arbitration between the two adverse parties. The question is proposed, Shall the old juma be continued? The Munduls object and plead that it was too low and ought to be raised. They must show cause and the Biswadars must be heard in reply. The Revenue officer then decides.

7. Again, the Biswadars object that the former settlement was too high. The Munduls must be heard on the other side, and a decision passed. Here it may be observed that the power possessed by the Revenue officer is almost absolute. Former proceedings have finally determined the right of the Biswadars to hold at a fixed juma. The Revenue officers are alone competent to determine what is to be the amount of the juma. If they fix it too high, the Biswadars are ruined. If too low, the Munduls are deprived of their just due. Use may be made of this power to bring about an equitable arrangement regarding the balances. Only a certain sum can be paid by the Biswadars from the land. If the Munduls will have it all at once, in the form of an outstanding balance, the Revenue officer may fairly decline to fix as high a juma as he might think otherwise equitable. Such is the rule observed by the Government, in its own dealings with the people. The formation of a settlement is held to be the opening of a new account, the old one being settled by the remission of old balances which are not especially arranged for when the new engagements are taken.

8. When the juma has been determined, if the Biswadars accept and sign the engagements for a period corresponding with that for which the settlement of the district of Panceput has to run, the work is done. If the Biswadars refuse the offered terms, they must be called upon to make an offer of their own, and on that alone their malikanah of 5 per cent. will be calculated. The Munduls will then have to determine whether they will accept the Biswadars' offer, or undertake the management of the village themselves, either by farmers or holding kham, in either of which cases they will have to pay malikanah. If the Biswadars do not enter into engagements, the Revenue officer will then have to determine the rate payable by them.

on their sccr cultivation. He will have also to determine all the rights attaching to the manager of the village during the period of their exclusion.

9. The Government have determined to relinquish the lands of the Kurnaul cantonment to the proprietors. The land will revert to the Biswadars, between whom and the Munduls the Revenue officer must determine a fair juma.

10. All the unoccupied lands will be given up unreservedly to the community of Biswadars, but it will be necessary to determine the rights of the several members of the community. If the lands are to be partitioned amongst them, an actual partition should be made, and possession of his share given to each Biswadar.

11. The houses and compounds occupied by individuals, should be considered as inferior properties, [vide para. 118, Directions for Settlement Officers]; and a fair juma fixed upon them to be paid by the occupants to the Biswadars, of which juma nine tenths will go to the Munduls and one tenth to the Biswadars.

12. If any land is retained by the Government as attached to their own buildings, this should be entered as Minhace, and if it is of any considerable extent, a corresponding portion of the payment now made to the Munduls must be continued. But if the land retained is of small extent, there will probably be no objection to discontinue all further payment, and leave the matter thus.

13. It is unnecessary to enter upon the family disputes of the Munduls. It is very desirable that they should be terminated if possible. If not, the men must be left to fight their own battles and ruin themselves. An entire division of the Istumbarree Talooka into separate Talookas, including separation of land, juma, &c. will I fear be the only way of effectually ending their quarrels. I see no reason why this should not be done immediately.

14. It may be added that all expences of measurement, &c. should be charged in the first place to the party who occasions the expense by his representations, and should be recovered afterwards from the other party as costs, if it is just so to do. The

judicial power, with which the officer revising the settlement is invested, will enable him easily to dispose of such questions. A judicious use of this power will prevent frivolous objections from being raised, but there is also reason to be on one's guard lest a too great eagerness to force on expensive enquiries deter persons who have just cause of complaint, from coming forward.

J. THOMASON.

*Agra, February 16th, 1852.*

No. 59.

KUNKUR AND KHOORA FOR GANGES CANAL.

No. 730 of 1852.

TO LIEUTENANT-COLONEL P. T. CAUTLEY,  
*Director, Ganges Canal Works.*

SIR,

REVENUE DEPARTMENT, I am desired to acknowledge the receipt of your letter dated January 29th, 1852, on No. 240. the subject of remuneration claimed for kunkur in the Mynpoorie district. The same subject is discussed in para. 75 of your Inspection Report on the 4th Division Ganges Canal, for 1851-52, forwarded through me to the Military Board. In that passage, you also refer to the somewhat parallel case of khoora, or refuse, used in burning bricks.

2. The Lieutenant-Governor desires me to observe, that there can be no question that kunkur found on any estate, belongs to the proprietor of that estate. It is a manorial right included under the head of sayer, as an item in the contract between the Government and the Proprietor at the time of settlement. Every proprietor has a right to quarry the kunkur himself, and to use or sell it. He has also a right to prevent others, except under certain circumstances, from quarrying the kunkur without his consent.

3. In the same way khoora is private property, belonging, according to custom, either to the person in whose yard it is found,



or to the community in whose village it is collected. The proprietors are at liberty to use or sell this khoora as they please. No one can remove it without their consent.

4. The Canal Officers are therefore not justified in assuming the right of the Government either to kunkur or to khoora, and in removing them without the consent of the parties. By so doing of their own authority, they lay themselves open to prosecution in the Criminal Courts for trespass, and in the Civil Court for damages.

5. If kunkur is required for public purposes, and the proprietor will not voluntarily suffer its removal, the land where it is produced can be taken possession of under Regulation I. 1824, and the kunkur can then be removed. When this has been done, the land may be restored to the proprietor.

6. There is no law which compels the proprietor of khoora to surrender that, any more than any other, personal property. A supply of khoora can only be obtained by fair competition in the market on the ordinary principles of supply and demand.

7. You are probably correct in supposing that neither kunkur nor khoora have hitherto been the subject of sale or purchase. These articles are found in abundance; they have hitherto been in small demand, and the people are little acquainted with the rights conveyed to them by the present system of Land Revenue administration. It is natural to suppose that the large demand lately created for both these articles, more especially by your own extensive operations in the formation of the Ganges Canal, gives a value to them which they did not before possess. Instances in Europe of a similar rise in value of articles, which were formerly worthless, must be familiar to you. It is a result, on which you have reason to pride yourself. The rise in value of all kinds of property consequent on your operations, is one of the best indications of the benefit you are conferring on the country.

8. Evidently this will add to the cost of your works, perhaps even more than you anticipated. You have but to state the circumstance, and the reasonableness of the increased charge will be considered sufficient warrant for incurring it. The great object of every well regulated Government is to render all pro-

perty secure and valuable. The Government will not shrink from the acknowledgment of a result at which it uniformly aims.

9. It does not, however, necessarily follow that the recognition of these principles will cause any very great enhancement of the rates of your work. There are few competitors with yourself in the market for kunkur. It is to be hoped that you will not often find recourse to Regulation I. 1824 necessary, in order to procure a supply of the article. The landed proprietors take a great interest in the work you are executing, and are not likely to afford factions opposition to your proceedings. They should always be consulted, and their permission solicited, before quarries are opened. They will generally be ready to accede to any reasonable offer which may be made to them, and you will find the Civil Officers prepared to mediate, and effect a composition. But you should prohibit your officers from hasty or violent proceedings, which will only irritate the people, and produce the bad feeling which you should be anxious to avoid.

10. Khoora has been hitherto often considered worthless litter, the removal of which would be a benefit rather than otherwise to a village. Where such is the case the proprietors will probably assent immediately to your application for permission to remove it. But where the khoora is valuable as manure, your officers cannot be permitted to remove it, except with the consent of the proprietors for such consideration as they may choose to demand. Probably you may be able to find a contractor willing to furnish you with khoora at your brick-kilns at a certain rate, which would cover the payment to the proprietor, as well as the cost of carriage. In this negotiation the Civil Officers may assist you by their mediation and influence, but these will not be effectual, unless your own officers second these efforts by considerate and conciliatory proceedings on their own part towards the people.

11. You will perceive that the Lieutenant-Governor considers Lieutenant Hodgson to have acted inconsiderately in quarrying kunkur without the consent of the Zemindars. He was perhaps betrayed into this by the absence of any active opposition to his first proceedings. He should endeavour now

to compromise the matter to the best of his ability, and he should be more guarded in his future operations.

12. A copy of this letter will be sent to the Military Board, and to the Sudder Board of Revenue.

I have the honor to be, &c.

W. Muir,

*Secretary to Govt. N. W. P.*

*Agra, The 19th February, 1852.*

## No. 60.

### PREPARATION OF DISTRICT MAPS.

#### INSTRUCTIONS FOR THE PREPARATION OF DISTRICT MAPS SHOWING VILLAGE BOUNDARIES.

REVENUE DEPARTMENT,  
14th April, 1852.  
No. 192.

1. The maps should be generally on the scale of 2 miles to an inch. Where the Mouzahs are very large, as for example in Hissar and Rohtuck, a scale of 4 miles to an inch is sufficient. Where the Mouzahs are very small, as in Gorukhpoor and Azimgurh, a scale of 1 mile to an inch may possibly be necessary.

2. The map should be first put together so as to show only village boundaries, sites of villages, and rivers.

3. This map should be sent to the Executive Officer of Roads (if there be any officer of that department in the district), in order that he may enter therein the road under his charge. He must be careful that the village sites on his line of road are correctly shown, and should note any errors he may detect. The map should be returned by him to the compiler.

4. The map should then be sent to the Executive Officer of the Canal Department (if there be any Canal in the district), in order that he may enter his Canal and Rajbuhars. Having done this he should return it to the compiler with his remarks.

5. The map should then be sent to the Collector of the district. He will mark the boundaries of Pergunnahs, Tuhseeldarces, and Thannahs. If these have not been arranged according to the Resolution of October 30th, 1837, (Appendix No. VI. of Directions for settlement officers), or if, purporting to have been so arranged, the arrangement be yet defective, he will immediately report through the Commissioner to the Sudder Board of Revenue the alterations he recommends. The arrangement having been completed, he will note in pencil on the map the several boundaries, and return the map with a separate note to the compiler.

6. The compiler will then colour the map, giving the pergunnahs of different colours, and showing by a table in the corner the distribution into Thannah and Tuhseeldarces. When a Thannah boundary runs through a pergunnah, it should be shown by a deep shaded line of the pergunnah colour. The topographical signs should be the same that are given at the end of Appendix No. XXIV. Directions for Collectors.

7. The map when thus completed should be sent by the compiler to the Secretary to Government N. W. P. who will take measures for its being lithographed. Proofs will, if possible, be sent to the compiler that he may make any corrections which occur to him, especially in the orthography of the names.

W. MUIR,

*Secy. to Government.*

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## No. 61.

## ARRANGEMENT OF INTERIOR DIVISIONS OF DISTRICTS.

*Minute on the arrangement of the interior Divisions of Districts and the preparation of District Maps shewing village Boundaries.*

REVENUE DEPARTMENT, 14th April, 1852. No. 191. On February 13th, 1849, I recorded a memorandum regarding the preparation of district maps on an enlarged scale showing village boundaries, &c. Since then the work has been going on, but not with the regularity or accuracy I could have wished.

Lieutenant-Colonel Cautley has favoured me with a memorandum of the mode in which he would recommend that we proceed. I have availed myself of it in drafting the Instructions, which accompany this.

I have been frequently surprised to find how imperfectly the principles laid down in the Resolution of Oct. 30th, 1837, for the arrangement of the interior Divisions of Districts have been carried out during the 14 years that have since intervened. The arrangement is in itself most simple, and the principles on which it is to be effected, as there laid down, are unquestioned, and yet the boundaries even of districts have not always been laid down in conformity therewith.

Taking the 31 Regulation districts as they run from North West to South East, I will note how far I believe the provisions of the Resolution of Oct. 30th, 1837, to have been carried out regarding each.

Dated 26th November, 1850.

„ 26th January, 1852.

„ 15th January, 1852.

Hissar, Rohtuck, and Paneeput, I believe, are completely arranged, and ready for the formation of maps. In Delhi, the Tuhseeldarics and perhaps the pergunnahs are right, but much improvement may be effected in the Thannah jurisdictions. This should be done immediately. Mr. Roberts' attention has been drawn to the subject. The pergunnah maps of Goorgaon have just been completed in the office of the Sudder Board of Reve-

nue. A district map on the scale of 2 miles to an inch is still wanted.

The map of Saharunpoor has been furnished by the Surveyor General. I believe the Tahseeldaries and Thannahs are well arranged, but the grouping into pergunnahs has never been looked to any further than was necessary to ensure that no pergunnah had villages in different Tahseeldaries. The colouring as given in the Deputy Surveyor General's office is according to pergunnahs, and therefore shows a mass of confusion. I pointed out to Mr. Craigie at Roorkee at the end of January last, the inconvenience which arose from a neglect of the course of proceeding prescribed in the Resolution of Oct. 30th, 1837, where the first step is the arrangement of pergunnah boundaries. He promised to have this mistake corrected, and to send a map rightly coloured.

The map of Mozuffernuggur has been lithographed. All the internal arrangements are complete and excellent, though I question whether the Southern boundary with Meerut is what it should be. There are 17 pergunnahs, each of which constitutes a Thannah jurisdiction, and the pergunnahs are grouped into 5 Tahseeldaries. A note is wanted explaining this arrangement. Such a note was given by Mr. Astell, but by some accident has been omitted.

Meerut requires considerable change, which is made the subject of a separate memo. of this date. Of Boolundshuhur I know nothing. Allygurh has been well arranged by Mr. E. Tyler, and may be printed forthwith.

I am not well aware of the state of things in Rohilkhund. Moradabad I remember was well arranged by Mr. Wilson some years ago, and I believe the other districts are also right.

Muttra, Agra, Mynpoory, and Furrukabad, I believe are all ready to be lithographed. There was much correspondence with the Deputy Surveyor General about the last district a year or two ago.

The map of Etawah has been lithographed. The execution of the original map was coarse, and both the form of the district and distribution of the Thannahs might be improved. The signs also are not those prescribed in para. 5 of the accompanying

Instructions. Still with all its defects the map is a very useful one, and a good step to the preparation of better ones.

Cawnpoor, from the maps attached to Mr. Montgomery's statistical Report, seems to be very complete. We only need the district map compiled from the pergunnah ones. Futtchpoor has been, I believe, well arranged by Mr. W. Muir. Allahabad was the subject of correspondence in the middle of last year, and it is not improbable that some change may take place in the Thannah jurisdictions. Banda and Humeerpoor I believe now to be rightly arranged, but am not confident of this. In the Benares Division, Gorukhpoor and Azimgurh are, I believe, complete, but maps are wanted, and as the Mouzahs are small, I fear it will be needful that these maps be on the scale of 1 mile to the inch. The old district maps are on the scale of 2 miles to the inch, and as those are very correct, perhaps pergunnah maps will be more convenient than district ones on so large a scale as one mile to an inch. Jounpoor was well arranged a couple of years ago, but a good map showing village boundaries is much wanted. I cannot say how the sub-divisions of Mirzapoor, Benares and Ghazeepoor are. Probably no further arrangement is necessary. Only maps are required.

The above short notice may give some idea of the work to be done. We have next to consider the agency available.

Lieutenant-Colonel Cautley has undertaken to compile all the maps in his Canal districts. These include all the Delhi Division, except Goorgaon, which is separately done, and the Doab down to Futtchpoor, inclusive I believe of that district. In these parts then I understand that Lieutenant-Colonel Cautley will take what is devolved upon the compiler in the Instructions. Herein he lays the Government under a great obligation, for the work is troublesome, and he will do it well.

In Rohilkhund Mr. Dick the Commissioner will be able to effect all that is required through the agency of Lieutenant Vanrenen and Lieutenant Burgess, both of whom are in the Division, with very efficient establishments.

I cannot at once suggest an expedient for obtaining good maps of Allahabad and Bundelkhund. Mr. H. C. Tucker the Collector, can perhaps undertake for the first, and Mr. Hillers-

don for Banda. Mr. R. Thornton will do what he can for Humeerpoor as he finds leisure.

For the Benares Division I must look to Mr. E. A. Reade, who will say what can be done.

But all these arrangements will fail without a central controlling and regulating agency. Mr. Christian, the Secretary to the Sudder Board of Revenue will be able to supply this, and to him I willingly entrust it. His first operation must be to ascertain what has been done in each district, both towards the arrangement of the sub-divisions, Pergunnahs, Tuhseeldaries and Thannahs, and also towards the compilation of maps. For this purpose the record of the Secretariat, as well as of the Sudder Board of Revenue, are open to him. What information the records cannot supply, must be sought by written queries from the district officers themselves. All the information any-how procured should be shown in a Register, of which a leaf or two may be appropriated to each district. In the Register may be entered not only the sources whence the information is procured, but also each step of the operation till the arrangement of the district is perfect and the map lithographed. Whenever I am at Agra, my own assistance will readily be given in support of Mr. Christian's labours.

J. THOMASON.

*Agra, March 8th, 1852.*

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## No. 62.

## REVISION OF SETTLEMENT IN BIJNORE.

No. 2074 of 1853.

*To Secretary of Sudder Board of Revenue, N. W. Provinces.*

SIR,

The Lieutenant-Governor had under his

consideration

REVENUE

DEPARTMENT,

No. 261.

\* No. 662, dated Nov. 4th, 1851.

" 83, " Feb. 20th, 1852.

your letters

noted in the

margin\* regarding the operations for the correction and revision of the settlements in the district of Bijnore.

2. Mr. Dick's letter as Collector dated May 13th, 1851, purports to give a complete review of the operations which have been carried on in the district consequent upon the orders of Government dated December 28th, 1844. That letter and statements attached to it will be taken as the groundwork of these orders, the statements being designated by the numbers which they bear as enclosures of that letter.

3. Statements No. 4—7 specified the mehals of Rai Himmut

| Pergunnah.      | Number of Muhals. |              | Total. | Jumma. | Malikana.  |
|-----------------|-------------------|--------------|--------|--------|------------|
|                 | Puttee-darce.     | Zemin-darce. |        |        |            |
| Nujeebabad, .   | 13                | 10           | 23     | 11,864 | 522 12 0   |
| Keerutpoor, ..  | 10                | 1            | 11     | 9,954  | 497 0 0    |
| Akberabad, .... | 2                 | 0            | 2      | 756    | 10 0 0     |
| Mundour, ....   | 2                 | 3            | 5      | 2,257  | 155 0 0    |
|                 | 27                | 14           | 41     | 24,831 | 1,184 12 0 |

Singh's Talookah which were leased to communities at the time of settlement; an abstract of these is copied into the margin

from para. 5 of Mr. Dick's letter. It is one of these Mouzahs, Hussunpoor, Pergunnah Nujeebabad, No. 8 in statement No. 5, to which reference is made in para. 30, as having been the subject of a suit in the Civil Court. Rai Himmut Singh attempted to set aside the heritable and transferable right of the Mokuddums, and was defeated in the attempt. The issue of that suit is understood to have established the regularity of the proceedings in all the Mouzahs of this class. The proceedings are approved and confirmed.

4. Statements No. 10-13 contain the particulars of 29

[illegible]

Mouzahs which were leased to the Talookdar (Rai Himmat Singh) at the time of settlement, but in which proprietary communities exist. The abstract of these is transferred to the margin from para. 12 of Mr. Dick's letter. All these villages except Ghosepoor Pergunnah Keerntpoor (No. 13 of statement No. 10) hold under written leases from the Talookdar. In Ghosepoor there is only a verbal engagement which has continued unaltered since the

settlement. No measures have been taken to secure these proprietors in their rights. There can be no question that they are possessed of a heritable property, in which they ought to have been secured at least by a sub-lease at the time of settlement. That this was not done, is one of the defects of that measure which was pointed out in the orders of Government dated December 20th, 1837, and which ought to have been immediately rectified. The mutual interests of the parties concerned have in some measure repaired the defect, but the terms of the sub-leases seem to be irregular, and sometimes exorbitant when compared with the Government demand. The Lieutenant-Governor does not perceive why the Government should not now at once interpose its authority in behalf of these proprietors, and order the immediate conclusion of a sub-settlement on equitable terms. This course seems the more open to the Go-

vernment, with reference to para. 17 of the orders of December 20th, 1837, which apparently has special reference to these very cases. The Board are requested to consider this a reserved point, and especially to report their opinion upon it, after further communicating if necessary with the local authorities. Meanwhile Rai Himmud Singh must not on any account be allowed to interfere with the internal management of the villages, or infringe the rights which the village proprietors evidently possess.

5. The statements No. 15-18 show ninety-nine Mehals of Rai

Himmud Singh's Talookah in which no proprietary communities exist, and which have been settled with him. The abstract of them is transferred to the margin from para. 14. Rai Himmud Singh does not seem originally to have had any good claim to many of these. But they have been given to him and, as there is no opposing right, the gift need not be questioned. His sole proprietary right in them is recognized.

6. The statement No. 3 contains a list of 14 villages of Pergunnah Bijnore, included in the Talookah of Surjeet Singh, which at the time of settlement were leased to Mookudums, and where village communities are now found to exist. These are noticed in paras. 38 and 39 of the

| Pergunnah.     | Number of Mehals Sublet. |                   |            | Number of Mehals Kham Tehseel. |                   |
|----------------|--------------------------|-------------------|------------|--------------------------------|-------------------|
|                | Number of Mehals.        | Government Jumma. | Sub-lease. | Number of Mehals.              | Government Jumma. |
|                |                          |                   |            |                                |                   |
| Nujabad,...    | 31                       | 9,576 0 0         | 11,495     | 9                              | 3,758 0 0         |
| Keerutpoor, .. | 13                       | 3,171 0 0         | 3,962      | 6                              | 1,242 8 0         |
| Akberabad,...  | 5                        | 643 8 0           | 795        | 4                              | 1,222 0 0         |
| Mundawur,...   | 26                       | 9,654 0 0         | 16,105     | 5                              | 364 0 0           |
| Total,...      | 75                       | 23,044 8 0        | 32,357     | 24                             | 6,586 8 0         |

Collector's letter, but no abstract of them has been given. The abstract in the margin corresponds nearly with that given for

| Number of Mehals. | Jumma. | Malikanah. |
|-------------------|--------|------------|
| 14                | 8,649  | 426 10 0   |

villages of the same class in Rai Himmud Singh's Talookah. The information regarding these tenures is scanty, nor are the statements clear. For instance in Mouzah Begumpoor, No. 3, it is said that the entire land is cultivated " by the proprietors and

the jumma is distributed according to Biswa shares, each person enjoying the land of which he is in possession ;” and yet Halloo who holds 20 Bee. 10 Bis, pays Rs. 21-14-3, whilst Khoshal, who holds 19 Bee. 8 Bis. pays Rs. 43-13. There is every confidence felt in Mr. Dick’s proceedings, but the statements do not clearly explain the nature of his arrangements. There seems to be no doubt about the proprietary rights of the parties here mentioned. It does not appear with whom Bazeedpoor, No. 14, has been settled. The Mookuddum proprietors are entitled to re-enter on the jumma fixed at the time of settlement, on the expiration of 12 years from their exclusion on account of reueaney.

7. There is no statement corresponding with those noticed in paras. 4 and 5 for Rai Himmudt Singh’s estates, and it is therefore concluded that, in all the other Mouzaha of the Talookah which were settled with Surjeet Singh, he is the entire owner.

|                            |     |
|----------------------------|-----|
| * Chumrowla, .....         | *   |
| Khooshalpoor Nurka, .....  | 655 |
| Khanpoor, .....            | *   |
| Dulceerpoor, .....         | 625 |
| Raiepoor Khas, .....       | 500 |
| Rajarnmpoor Toolsee, ..... | *   |
| Mooselipoor, .....         | *   |
| Jectpoor Khas, .....       | *   |
| Muhammed Ameenpoor, .....  | *   |
| Tukeerpoor Ram Roy, .....  | *   |
| Mulabutpoor Dulceer, ..... | *   |
| Mahomed Attapoor, .....    | *   |
| Bishenpoor, .....          | *   |
| Seekunipoor, .....         | *   |
| Russoolpoor Daood, .....   | *   |

\* Note.—The Jummas of these villages are not given in the statement.

which are entered in the margin.\* The farmers of these Mouzals are said to have no proof of proprietary right, but to be best entitled to receive that right as a gift on the principles now recognized in such cases. This Mr. Dick (as Commissioner, see para. 9 of his letter of September 24th, 1851,) would recommend, but considers it barred by the re-

cognition of a right to Malikanah at the time of settlement.

10. The Lieutenant-Governor cannot find in the papers forwarded to him any mention of Malikanah to the Talookdars in these 34 Mouzals (statements 1 and 19) or how it is proposed to adjust that claim in the Mouzals settled with the Talookdars. He gathers, however, the following circumstances from the papers.

11. The Talookdar, Rai Himmut Singh, had been dispossessed of the estates long before the cession, and was out of possession when that event occurred.

See paras. 22, 29 of Mr. Dick's letter of May 13th, 1851.

The partial possession of some of the Mouzals by Shimboonath Rai, Tupraj Singh's agent, did not establish proprietary right. There was in fact no possession on his part or recognition of proprietary right till, at the formation of the present settlement, Mr. Lushington gave him an allowance of 5 per cent. which he called Malikanah.

12. The orders of Government, dated December 20th 1837, on Mr. Lushington's report, prominently notice the want of explicitness in declaration of proprietary right, and express an opinion that all such land should, if possible, be declared the right of Government. Now there was evidently no valid claim on the part of the Talookdar to this land, and the orders of the Government therefore negatived any semblance of such right which might result from Mr. Lushington's act. There is no apparent allusion to Malikanah, and no approval of it. If it has been paid hitherto, it was so without authority.

13. The Lieutenant-Governor is strongly disposed to consider these 34 Mouzahs as excluded from the Talookah, and to settle them at once in full proprietary right with the parties recommended by Mr. Dick. But he does not find this point as fully stated as he could wish, nor is it alluded to by the Board. He therefore delays the expression of his final orders on the subject, till Mr. Dick and the Board have had the

## No. 63.

## MAP OF THE ENVIRONS OF DELHIE.

*Memorandum on Lieutenant Burgess's Map of the Environs of Delhi.*

REVENUE DEPARTMENT, 7th June, 1852. No. 38. An inspection of the maps of the environs of Delhie, prepared from Lieutenant Burgess's survey, convinces me that the publication of the larger map is quite necessary to give full effect to the objects contemplated by the Government in the execution of the survey.

2. Some few remarks are necessary on the map, as it now comes under consideration.

3. An attempt has apparently been made to mark the anticlinal, or water-shed, ridges by straight blue lines. This could not be done universally without causing great confusion. It has only been attempted partially, and even that partial attempt is incomplete. The space south of Delhie comprised in the map is evidently divided into three great basins. One drains into the Nujjufgurh Jheel, westward of the rocky ridge, which intersects the country from north to south. Another comprises the country south of the Kootub, and drains through the Badshahpoor Nullah, also into the Nujjufgurh Jheel. The third comprises the country east of the rocky ridge and north of the Kootub, and drains into the Jumna by a nameless Nullah, running under Humaioon Shah's tomb. There are also some smaller basins which, from Toglulabad southward, drain into the Jumna. It is of importance to bear in mind the limits of these great basins, but even the blue lines do not show them completely; and the features of the country are so marked that they are easily perceptible to the eye. It will be better therefore to erase the straight blue lines, which are designed to show the limits of the basins.

4. The northern part of the district is very incorrectly shown in the map. The accumulation of water north of the Phoolchudder has long been drained. The Dunjalee and the other nullah between the Phoolchuddur and Delhie cross the canal, and do not fall into it. The course both of the Canal and of

the Nujjufgurh Jheel cut has been much altered of late in that vicinity. It is of some importance that the new map should show all these features of the country with accuracy. Mr. Battie, the Superintendent of the Nujjufgurh Jheel works, is well able to supply the requisite information. He has accurate maps of the whole in his own possession, or he can get them from the western Jumna canal office. He is well able to put together all that can be obtained on the requisite scale.

5. The maps will therefore now be sent to Mr. A. A. Roberts, the Collector and Magistrate of Delhi, in order that he may call on Mr. Battie to prepare, on a separate sheet, and on the same scale as the large map, a correct plan of that part of the country including the western Jumna canal, and the part north of it so much as comes under his knowledge. This map when completed may be returned to this office with the others, and the whole will then be returned to the Deputy Surveyor General to be put together and published.

6. Two hundred impressions of the large map may be struck off in the best style practicable in Calcutta. As the index map will also be useful and will cost little, the same number of copies of it may also be struck off. But from this too, the straight blue lines showing the anticlinal ridges should be erased.

J. THOMASON.

*Agra, Revenue Department, the 7th June, 1852.*

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### No. 64.

#### ROAD FROM DEHRA TO THE PLAINS.

*Memorandum on the proposed line of Road from Dehra to the plains through the Sewalik.*

REVENUE      Mr. Mackinnon deserves well from the  
DEPARTMENT, Government and his friends at Mussoorie  
12th June, 1852. for his exertions towards determining this  
No. 122.      interesting question regarding the best means  
of crossing the Sewaliks. His future success will depend on  
his adhering steadfastly to one purpose. The Sewaliks are a



labyrinth, in which any man will lose his way who has not a definite object always in view. It is well then to pause in the outset, and determine this object.

2. The idea which regulates the project is to take up the water-shed line of the Doab and to connect it with the water-shed of the Dhoon. The two water-sheds are not opposite to each other, and therefore in order to avoid the basins on either side it may be necessary to keep for some distance on or near the cross water-shed of the Sewaliks. If this can be done without much sacrifice of distance and without getting on impracticable ground, it is evident that the road along this line will require fewest large masonry works, and be least exposed to injury from floods.

3. The north side of the Sewaliks is a gentle slope, the south side a steep cliff. There is no difficulty, as Mr. Mackinnon justly observes, in gaining the crest of the Sewaliks from the north side, but there is great difficulty in thence rounding the basin of the Solani, and finding a practicable line down the south face of the ridge to the high land which separates the outfall of the Hindun and Solani from the hills. This line, however, will be along the red trace on Mr. Mackinnon's map, and not along his yellow trace. By getting on the yellow line he becomes entangled in a new system of drainage, which will give rise to great difficulties. It is easy to rule a straight line on a sheet of paper, which is tempting to the eye, but the true course of the road must depend on the features of the country. The works on the eastern Jumna canal have led to a minute examination of the whole drainage from the Sewaliks into the Jumna, and that is well represented in a plain, which will be found at para. 50 of Lieutenant-Colonel Cautley's notes on the eastern Jumna canal.

4. Naturally the Muskurra Row would carry away into the Jumna the drainage from the Thaloowala pass a little to the west of the Kujnawur pass and the heads of the Hindun, but a series of expensive works divert the waters of the Muskurra and its tributaries, so that they all become affluents of the Hindun. The yellow trace would carry the road across the Dumola, the Nugadeo, and the Chijsha, or Gooleria Rao, and then force

you either to cross the Hindun or to increase your difficulties by winding round its head through all the intricacies of the Southern face of the Sewaliks.

5. There can be little doubt that the line most likely to be practicable is that which allows of quickest escape from the Sewaliks and its drainage by keeping to the east side of the basin of the Hindun. This brings you at once on the water-shed of the Doab and opens an easy communication by Deobund and Mozuffurnuggur with Meerut. The road from the westward should keep along its present course by Suharunpoor, so as to cross the several streams, where they become well defined and regular rivers after they have left the steep slopes that stretch southward from the immediate base of the Sewaliks.

6. In any further enquiries then regarding this road, some such course as this may be found the best.

7. Determine accurately the water-shed of the Doab and of the Doon, where the Sewaliks leave the plains. Then find the points where these water-sheds strike the water-shed of the Sewaliks. On these four points raise conspicuous land-marks, and fix their positions on the map. Then minutely examine each of the three intervening sections, so as to determine and map the true water-sheds, and then find how by cuttings, or tunnelling, or bridges, the chief difficulties on each section may be avoided or overcome.

12th June, 1852.

J. THOMASON.

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**No. 65.**

**SALARIES OF UNCOVENANTED OFFICERS IN THE  
CANAL DEPARTMENT.**

*Under Secretary to the Government of India,  
Home Department, Fort William.*

SIR,

REVENUE DEPARTMENT, No. 2. I am desired to acknowledge the receipt of an extract, para. 5 of a despatch from the Hon'ble Court of Directors, No. 26, Financial Department, dated June 16th, 1852, forwarded with your Docket of August 10th.

2. In this extract the Hon'ble Court comment on the extra allowance granted by the Government of India as per margin,\* and require an explanation of the grounds which this augmentation of allowances was adopted, without previous reference to themselves.

|                                                                                                                                                  | Present Salary. | Proposed. | Increase. |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------|-----------|
| Mr. Read Assistant Ex-Officer,                                                                                                                   | 350             | 400       | 50        |
| " Login (ditto),.....                                                                                                                            | 250             | 350       | 100       |
| " Parker (ditto),.....                                                                                                                           | 250             | 300       | 50        |
| Mr. Volk, Ex-Officer, has also been granted a marching allowance of Rupees 100-0-0 per month, in addition to his Salary of Rupees 400 per month. |                 |           |           |

3. The Lieutenant-Governor was not before aware that the Hon'ble Court required a reference to themselves in all cases of the alteration of allowances of *uncovenanted* servants. Numerous instances are in the Lieutenant-Governor's recollection, where such augmented allowances have been made, and have been specifically approved, or tacitly sanctioned by the Hon'ble Court\* \* \* \* \* As, however, the Hon'ble Court have now ruled that their sanction is necessary in all such cases, the Lieutenant-Governor would venture to suggest

the grounds on which he hopes that sanction will not be withheld in the instances here mentioned, and on which he trusts that some relaxation will be admitted in the strict enforcement of the rule, as regards the Ganges canal.

4. Frequently in recommending arrangements regarding the

Letter to Secretary Government of India Military Department with the Governor-General dated 11th Sept. 1850, No. 782, A.

From ditto ditto dated 2nd October, 1850 No. 21.  
To ditto ditto dated 20th May, 1851 No. 159.  
From ditto ditto dated 24th " 1851 No. 138.  
From ditto ditto dated 22nd July, 1851 No. 132.  
To ditto ditto dated 5th April, 1852 No. 1434.  
From ditto ditto dated 26th " " " 667.

establishments on this canal, occasion has been taken to point out the great difference between them and the

ordinary fixed establishments of the regularly organized Branches of the Administration. The Hon'ble Court with the most cheering cordiality have, in their late despatch dated 2nd June 1852, No. 11, authorized the expenditure of more than a million-and-a-half sterling on this work. This sanction involves a great monthly outlay within the shortest possible time, to be carried on without intermission in the face of all possible obsta-

cles. Those who have had to carry on large public works in a country like this, are well aware of the great difficulty of obtaining suitable agency. Military men are required for other branches of the public service, or are called away by the exigencies of war. Uncovenanted servants of sufficient qualifications are difficult to obtain, and are liable to be tempted away by superior advantages offered to them, on other public or private undertakings. All are subject to be removed by death or by sickness, to which the best and most active men, are in the greatest degree exposed. In the very correspondence in which these augmentations of salary are recommended, advertence was made to the difficulties which were experienced, when, in the full tide of heavy expenditure, the Engineer officers were ordered off on the Sutlej campaign, and the whole responsibility of carrying on the operations devolved on these very uncovenanted officers whose reward is now called in question. A very similar crisis is now occurring, and is at this very time the subject of discussion with the Military Board. The well known exigencies of the public service are reducing the Staff of officers to the lowest possible standard; while sickness is causing vacancies which can be ill-supplied. The only resource is, to throw increased labour on those who remain. It is contrary to the experience of all human nature to suppose, that such additional labour and responsibility will be cheerfully incurred without extra remuneration. When every effort is used to extract the greatest possible amount of labour from a very limited number of agents, some discretion must be admitted in apportioning the remuneration of those agents. If the fair reward is denied to the persons entrusted with the disbursements, the character of the work performed must suffer in quality, or in quantity, or in economy of execution; and each of these entails a heavy loss upon those at whose cost, the operations are carried on.

5. But it may be said that the discretion can be exercised by the Hon'ble Court at home, as well as by any authority in this country. Practically it is not so. However expeditiously an answer may possibly be returned experimentally, it is found that, in the general run of cases, delay does occur. A boon or a reward which is long deferred, loses half of its value. Again un-

certainly must attach to the event. The obligation of reference implies the possibility of rejection. That rejection may be the result of many circumstances besides the innate weakness of the claim. The exertions of a subordinate are witnessed by the executive officer under whom he serves. They are commended by him, and a reward is proposed to the Director of the works. The Director is satisfied of the justice of the claim, so is the Military Board, so is the Lieutenant-Governor, so is the Supreme Government; but that is not enough. The question must be referred to the Home Government, who can know nothing of the circumstances, except from the documents, in which they may, from a hundred different causes, be imperfectly set forth. It is evident that such a course of proceeding must hamper the progress of a great undertaking, repress the zeal of the agent employed, and harass those with whom the responsibility of the undertaking rests.

6. The simple remedy appears to be, to admit the peculiar character of the work. Where the unrestrained disbursement of millions is allowed, it is inconsistent to lay such extreme restrictions on these petty items of expenditure. A very small percentage of increase in the price of bricks or of lime, or of wood, or in the wages of workmen, would cast far into the shade any such petty items as these, on the explanation or justification of which, so much time and labour must be expended. A great effort is necessary for the completion of the undertaking: during the continuance of that effort, a very large discretion must be vested in the responsible Director of the works. His discretion should be as unshackled in the remuneration of his superintending officers, as in the pay of his workmen, or in the price of his materials. When the work has been completed, and the duties to be performed become those of ordinary routine, capable of methodical regulation, it is then the time to place the establishment on a confirmed basis, and to require that no deviation shall take place without sufficient cause assigned.

7. But Colonel Cautley was well aware of the risk attendant on too wide a discretion, entrusted in such matters to officers on the spot. He felt the importance of holding out to the persons employed a specific reward, attainable on certain conditions,

and he felt also the necessity of imposing limitations on recommendations for increased allowanees. With these views he proposed a regular scale of salaries. He proposed to regulate this branch of the service on the same principles, as prevail in all other branches of the uncovenanted service in this country. Police Darogahs, Tehseeldars, Judges, Deputy Magistrates, Deputy Collectors in the Revenue Department, Collectors of Customs, Sub-assistant Surgeons, are all entitled to increased allowance, after certain periods of service, if they have acquitted themselves to the satisfaction of their employers, and have rendered valuable service, entitling them to the increase. In the Department of public works, Uncovenanted agency has been but lately introduced, and no such organization has been yet sanctioned. To supply this defect, Lieutenant-Colonel Cautley in his letter of January 2nd, 1850, proposed a fixed organization, and a certain scale of salaries. Being conscious that some delay might take place in the final adoption of his plan, he recommended the augmentations on which the Hon'ble Court comment, so that they should be in conformity with the rules which he proposed. The sanction of this plan would have involved approval of the augmented allowance.

8. The Lieutenant-Governor would now venture to solicit attention to this plan, and to pray that the orders of the Hon'ble Court may be obtained upon it. It seems impossible to put the matter in a stronger light than that in which it has been placed by Lieutenant-Colonel Cautley himself in his letter noted above, of which a copy was forwarded with my predecessor's letter dated 8th May, 1850. His views obtained the approbation and support of the Military Board, and were recommended for adoption by the Lieutenant-Governor. If these rules are sanctioned, the object proposed by the Hon'ble Court will be at once accomplished, and a restriction will be placed on occasional augmentations of salary such as these now under discussion.

9. The scheme of promotion is for greater facility of refer-

\* Extract from a letter from Secretary to the Government N. W. P. to Secretary to the Government of India, Home Department, dated the 8th May, 1850, No. 424 A.

4. It is proposed that the Junior Assistants should pass a probationary period of one year without pay, and that if

ence, copied into the margin.\* In the orders of May

then approved, they should be appointed Junior Assistants after which their advancement may take place (on the consideration of continued good service) as follows :

|                                       |                  |                             |
|---------------------------------------|------------------|-----------------------------|
| At the end of the 1st year of service | Rs., 200         | As Junior                   |
| ditto 3rd                             | ditto,..... 250  | Assistants.                 |
| ditto 4th                             | ditto,..... 300  | As Senior                   |
| ditto 5th                             | ditto,.. ... 400 | Assistants.                 |
| ditto 6th                             | ditto,..... 500  | As Execu-<br>tive officers. |
| ditto 8th                             | ditto, .... 600  |                             |
| ditto 10th                            | ditto,..... 700  |                             |

Of the allowances in the grade of Executive officer, as above given, 100 Rupees per mensem would be granted as marching allowance, and the rest as personal salary. The rise from one rate of pay to another will only take place on special report and with the express sanction of Government, and the rise from one grade to another will depend on the requisitions of the public service, as well as on the approved conduct of the officer.

5. Sub-assistant Executive Engineers appointed under the Government notification of October 9th 1845, from Roorkee or elsewhere, should be eligible after one year to be junior assistants, if found in every respect qualified.

6. The same rules regarding leaves of absence, deputation allowance, pensions, &c. should be applicable to the officers employed under these rules, as to the other higher branches of the uncovenanted service.

16th, 1850, the Most Noble the Governor General appears to have postponed the consideration of this plan, pending the revision of the general question regarding the Department of Public Works which had then been opened. The Lieute-

nant-Governor respectfully suggests that this is a distinct question, which may be determined by itself, and that the present discussion shows that inconvenience may result from its further postponement.

10. The Lieutenant-Governor earnestly hopes that the Most Noble the Governor-General in Council will permit a further and an early reference to the Hon'ble Court of Directors on this matter. It would not be easy to determine the result of giving effect in the present crisis to the orders of the Hon'ble Court. It is so difficult to reconcile this order in the Financial Department with the liberal tenor of the despatch in the Revenue Department, authorizing the rapid execution of the Ganges canal, that it seems natural to suppose there is some misapprehension of the real state of the case, which it is hoped that this explanation may remove.

I have the honor to be, &c.

W. MUIR,

*Secretary to the Government for the N. W. P.*

*Agra, the 1st September, 1852.*

No. 66.

ERECTION OF A SURAOGEES' TEMPLE IN  
ALLAHABAD.

No. 1838 of 1852.

*To R. Lowther, Esquire,**Commissioner of the Allahabad Division.*

SIR,

JUDICIAL DEPARTMENT. I have the honor to acknowledge the receipt of your letter No. 29, dated the 17th

CRIM. April, submitting an explanation of the cir-

No. 33. cumstances alluded to in a petition from several Hindoo residents of the Town of Allahabad, complaining of the attempted erection of a new Mandur, or place of worship, by certain Suraojees, in a locality objected to by the Hindoos.

2. The Lieutenant-Governor desires me to observe in reply, that in disputes of this kind the natural right is on the side of the party wishing to erect the place of worship on his own ground. He is justly entitled to dispose of his own property as he thinks fit, and he is also justly entitled to worship the Supreme Being, according to the creed, and in the manner, which he considers most fitting on his own conscience. The limit imposed by his social position on the exercise of these natural rights, is, that he should not so dispose of his property, or perform his religious services, as unjustly and unnecessarily to infringe on the comfort, or offend the prejudices of others.

3. There is no question of the fundamental feelings of the Hindoos towards the Suraojees. The Hindoos would never willingly suffer the public exercise of the religion of their rivals. This is a feeling which cannot be regarded as a general principle, though under particular circumstances it may be entitled to consideration. If therefore the Hindoos object to the erection of a temple by the Suraojees, on a spot where one has formerly existed, it is reasonable to suppose that they have some specific objection to that spot, and to the erection of a temple there. Some difference of opinion may be found in this.



4. The Licutenant-Governor, after maturely considering the circumstances of these two cases decided by the Sessions Judge, Mr. Lang, is of opinion that a sound discretion has been exercised in both of them.

5. In the first case, Purbhoo Doss was about to install an idol of Parasnath, in a Mundur, on the Grand Trunk Road, immediately opposite to a Thakoordwara, belonging to Baiza Bace. The agent of that lady opposed the act, and it was interdicted.

6. In the second case, Purbhoo Doss, seeks to build a Mundur in an obscure alley, where numbers of his own faith reside and where there are already many other Mundurs, large or

Abstract of the Bywusta of the Pundits of the Sudder Court, appended to the proceeding of the Sessions Judge, dated September 1st, 1851.

"It is morally offensive to the feelings of Hindoos to pass by Suraogee's Mundur. It is consistent and proper in them to prevent the installation of the idol Parasnath in a new Mundur built in the vicinity of a Shewalla of Mahadeo. It is contrary to the religious tenets of any orthodox Hindoo, to pass in that direction. It is better to sacrifice life through the medium of fire, water, or a mad Elephant, than to pass by the Idol."

small, existing on all sides. If the feelings of the Hindoos are really what the Pundit represents them, the inhabitants

of this part of the town are already exposed to all the evils which they deprecate. Their only consistent course is to desert that quarter of the town, and take up their abode elsewhere.

7. You will be pleased to inform all the parties concerned that the orders of the Sessions Judge in both cases are approved and confirmed. You will instruct the Officiating Magistrate firmly and decidedly, by all the means in his power, to uphold the course prescribed to him, and to restrain and punish all who may be disposed to contravene it.

8. With reference to your letter of April 21st, 1851, to the Magistrate of Allahabad, I am desired to forward, for your in-

\* From Commissioner, Benares Division, dated 10th February 1852, No. 14 with enclosures.

To Register, Nizamut Adawlut N. W. P. dated 26th February, 1852 No. 854.

From ditto ditto ditto dated 9th March, 1852 No. 203.

To Commissioner, Benares Division, dated 5th April, 1852, No. 1428.

formation, the annexed copy of a correspondence\* with the Nizamut Adawlut, in

which it is clearly laid down, that an appeal in such cases lies to the Sessions Judge, and not to the Commissioner.

9. But as a controlling authority in such respects is vested in the Government by Section 3, Regulation IX. 1831, you are always at liberty to bring before the Government any instance in which you may consider wrong to be done, or the public peace seriously endangered, by any order passed by the Sessions Judge in such a case.

I have, &c.

W. Muir,

*Secretary to Government, N. W. P.*

*Agra, 4th May, 1852.*

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**No. 67.**

**CULTIVATION OF POPPY IN THE N. W. P.**

*No. 4081 of 1852.*

*To J. P. Grant, Esquire,*

*Secretary to the Government of India,*

*Home Department, Fort William,*

*Dated Agra the 8th October, 1852.*

SIR,

SEPARATE      The state of the laws regarding the culti-  
REVENUE      vation of the Poppy and manufacture of  
DEPARTMENT.      opium in these provinces, has, for some time,  
been under the consideration of the Lieutenant-Governor, and  
I am now desired to request that you will lay the following cir-  
cumstances before the Most Noble the Governor-General in  
Council.

2. As regards these provinces it may be generally said, that the Opium Department has its agents in the Divisions of Benares and Allahabad, and not in the Divisions of Agra, Rohilcund, Meerut and Delhie. In these last four mentioned Divisions therefore, the cultivation of the Poppy is most strictly and entirely prohibited; whilst it is grown in abundance all round in Oude, in the Hills, in the Sikh Territory, in Rajpootanah, Bhurtpoor, and Gwalior. The reason and object of this prohibition is not apparent. Our own cultivators are prohibited

from conducting a profitable cultivation, which could in no way interfere with the operations of the Government agency, more than that which is carried on in the neighbouring States. If, however, the Government agency wishes to extend its operations into these Divisions, it finds the people ignorant of the culture, and unwilling to engage in it. The effect of the procedure is to raise the price of the article in the market of the Government itself and to give an undue advantage to foreign opium.

3. The Government has long renounced the idea of maintaining the monopoly of opium throughout Hindoostan, and there is no apparent reason why the Government should prohibit the cultivation in its own inland provinces where it does not itself cultivate the Poppy.

4. The Board of Opium were consulted on the subject in 1850,\* and concurred in the

\* Letter to Secretary, Board of Customs, salt and opium dated 15th August, 1850.

From ditto ditto, dated 9th September, 1850, No. 573.

opinion that for the purposes of the Government monopoly, the maintenance of the prohibition in the four Divisions

mentioned above, was unnecessary: but they object to any alteration of the present state of the law in the Division of Benares.

5. It is apprehended by the Sudder Board of Revenue at Agra, that any alteration of the existing law will cause loss in the Abkaree Revenue. But it may be satisfactorily shewn that whatever apparent diminution of receipts may occur in the Abkaree Revenue, the State must be a considerable gainer by the proposed change of system.

6. The Abkaree Revenue from opium is raised in the following manner.

7. The collectors procure from the agent at Benares, a certain quantity of opium such as they calculate will suffice for the consumption of their districts. This is furnished at the cost price, either 5 Rupees or Rupees 5-8 per seer. The opium so furnished to them is taken by the opium Farmer of the district at double the cost price, and he also pays a certain sum, larger or smaller, per diem, for the privilege of selling opium by retail. In theory he only sells the opium which he receives

from the Government; but in practice he becomes the licensed dealer in smuggled opium; the quantity of the Government article which he sells, being only sufficient to keep up decent appearances.

8. Now the Government opium, which in the districts is sold at double the cost price, would realize a much larger amount in the Calcutta market. All therefore which is abstracted from the foreign market for Home consumption, entails a considerable loss on the State.

9. It is easy to show in figures what has been the positive loss to the state by the Abkaree management of the opium during the five years from 1845-46 to 1849-50.

10. The Sudder Board of Revenue have furnished a return\*

\* Letter from Secretary Sudder Board of Revenue dated 13th December, 1850, No. 87 with enclosures.

† Gross Receipts, ..... 6,54,554  
Nett ditto, ..... 3,64,524

showing the gross and nett receipts of the Abkaree Revenue for the five years 1845-46 to 1849-50 as per margin.†

11. A return‡ from the Benares opium agent, shows the

‡ Letter from Opium agent Benares dated 5th August 1852 No. 102, with enclosures.

quantity furnished to the Collectors in the North-Western Provinces during the same five

years, the price at which it was furnished, and which it would

have realized at the

|                                                              | Mds.     | Srs. | Ckts. |
|--------------------------------------------------------------|----------|------|-------|
| Quantity of Opium, .....                                     | 1,450    | 19   | 2½    |
| Price at which sold to Collectors, .....                     | 2,96,047 | 13   | 0     |
| Price which the Opium would have realized in Calcutta, ..... | 8,37,729 | 12   | 7     |

Government sales

in Calcutta. It

hence appears that

the opium which

would have realized 8,37,729 Rupees in Calcutta, only yielded

|          |                                   |
|----------|-----------------------------------|
| 8,37,729 | Price according to Calcutta sale. |
| 6,54,524 | Gross Receipts of Abkaree.        |

Rupees 6,54,524 to the Abkaree Department, thus

|            |                             |
|------------|-----------------------------|
| 5,1,83,205 | Loss by Abkarre management. |
|------------|-----------------------------|

entailing a loss on the

|        |                      |
|--------|----------------------|
| 36,641 | Annual average Loss. |
|--------|----------------------|

Government of 1,83,205

Rupees during the five years. It will therefore evidently be a most economical arrangement; so far as the financial result is concerned, entirely to give up the Abkaree Revenue from opium.

12. It will, however, be much better, after legalizing the cultivation of the Poppy and the trade in opium in the districts where it is not produced by the Government, to direct the Col-

lectors to issue licences for the sale of opium in the same way as of any other intoxicating drug. A wholesome check will thus be imposed on the consumption of the article, and a Revenue of larger or smaller amount will be derived to the Government. In the districts where the monopoly is still maintained, it will perhaps be necessary to maintain the present system, only providing that collectors shall not sell the opium to the retail dealers, at less than the average Calcutta price.

13. In all the districts where the cultivation of the plant and manufacture of the drug is permitted, much benefit will result from the cessation of the troublesome transactions between the opium agent and the collectors, which are inseparable from the present system. The valuable drug has to be carefully guarded in transit from one part of the country to another; it has to be securely kept when in store, and scrupulously weighed out and accounted for. Allowances are to be made for dryage and wastage; and, notwithstanding all care, thefts and peculations will sometimes occur. All this trouble is undergone, and risk incurred, merely to maintain the show of Revenue under a certain head, and to encourage a notoriously fraudulent trade on the part of the licensed traders.

14. There can therefore be no question of the policy of authorizing the cultivation of the Poppy in all those Divisions, in which the Government do not manufacture opium on their own account, and thus placing the districts contained in those Divisions on the same footing as the lapsed Sikh states, and all the bordering foreign territory.

15. It remains for consideration how this can be best done, and whether the proceeding requires the sanction of a Legislative Enactment.

16. For effecting the purpose, it is only necessary that the Government declare the people free to cultivate the Poppy and to manufacture and export opium into foreign territories within certain districts named in the proclamation. The importation of this opium, except by the Government itself, into those districts where the monopoly is maintained, must remain as strictly prohibited, as at present.

17. It seems to the Lieutenant-Governor that the wording

"The cultivation of the Poppy and manufacture of opium within any of the provinces dependant on the presidency of Fort William except on account of Government, or *with their sanction*, are hereby prohibited."

proclamation, and that the opium so manufactured would then be as much shut out from competition with the Government opium in the rest of the provinces, as now is that which is manufactured in the territories which have been acquired since 1816. The late Board of Opium, however, were of opinion that a Legislative enactment is necessary to legalize the

See para. 7 of their letter of September 9th 1850 (forwarded herewith.)

As, however, the provisions of the new Act would be required for the protection of the interests of which the Calcutta Board are the established guardians, the consideration of its provisions rests rather with them, than with this Government.

18. The Lieutenant-Governor solicits the instructions of the Most Noble the Governor-General in Council, on the measure itself, and the mode in which it shall be effected.

I have the honor to be, &c.,

W. MUIR,

*Secretary to Government of the N. W. P.*

*Agra, the 8th October, 1852.*

### No. 68.

#### RIGHT OF PRE-EMPTION.

No. 4122 of 1852.

*To Secretary Sudder Board of Revenue.*

SIR,

REVENUE, I am directed to acknowledge the receipt  
No. 117. of your letter No. 463 dated the 24th ultimo  
with its enclosures, relating to two cases of proprietary succession  
in Zillah Badoan, and in reply to intimate that the Honorable

the Lieutenant-Governor agrees with the Board that in the present state of the law, the Collector cannot enforce the right of pre-emption.

2. His Honor is however not prepared to concur with the Commissioner and the Board, that the simple completion of the sale by the seller ought to be recognized by the Collector as sufficient warrant for a mutation of names in his Register. The completion of the sale is sufficient to transfer, from the seller to the purchaser, the claim, but not the possession. In virtue of the sale the purchaser may sue for possession of which he is forcibly and wrongfully deprived, but there is no actual possession, such as entitles him to be recognized as a *de-facto* proprietor. If it be supposed that some obstacle exists to the free transfer of the property, other than the claim of pre-emption, as for instance a bond in judgment, or a concealed mortgage, then in like manner, completion of the sale would not necessarily involve actual transfer of possession, and the Collector would be right to refuse Kharij Dahkil, till the possession was obtained. His Honor sees no injury likely to result from refusing mutation of names till the transfer is undoubtedly complete by actual possession. The people and the Collectors have so long been led to believe mutation of names to be creative of right, and not simply consequent on the successful assertion of a right, that they place far more stress on the proceeding than it deserves. Unless however the principle is consistently upheld, the register can never be what it ought, a faithful record of persons actually in possession.

I have the honor to be, &c.,

W. Muir,

*Secretary to the Government, N. W. Provinces.*

*Agra, the 11th October, 1852.*

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## No. 69.

## TUCCAVEE BALANCES.

No. 4637 of 1852.

*To the Secretary Sudder Board of Revenue, N. W. P. Agra.*

SIR,

REVENUE            When lately encamped at Bhognee, and  
 DEPARTMENT,    in communication with the Commissioner of  
                     No. 240.       the Allahabad Division and the Collector of  
 the district of Humnecpore, it was brought to the Lieutenant-Governor's notice that large arrears of Tuccavee Balances, which have been outstanding for many years, still remain unadjusted in Humnecpore.

2. The Board are well aware of the sentiments\* of the Lieutenant-Governor on the subject of these balances. Great efforts have been made to adjust them in Rohilcund, and it had been supposed that there were none of considerable amount now remaining unadjusted in any district of these provinces. It is cause for regret that in a province like Bundelcund, where the prosperity of the agricultural community is the subject of the greatest anxiety, an account of this harassing nature should still remain suspended over the head of the Malgouzars. In Bundelcund moreover the collection of such balances is the more impolitic, because it is well known that in this province, more than elsewhere, the objectionable practice at one time prevailed of making a nominal advance of Tuccavee the apparent means of realizing a balance, by the transfer of the item of arrears from the Jumma Wasil Bakee, to the Tuccavee account.

3. The Collector of Humnecpore has now been informed of the principle on which these balances are to be adjusted. In all cases the amount, which had accrued prior to the last settlement, ought to be remitted, except where it is clear that an actual pecuniary advance had been made from the Treasury for agricultural purposes, to persons then in possession of the Mohal, but with whom the last settlement was not formed, and who are now solvent. The Board are requested to see that on these



principles the adjustment is quickly effected, and that the amount which must according to them be remitted, is reported without delay, in order that it may be written off the public accounts. Distinct intimation must be given to the proprietors of each Mouzah, against which an item of this nature has been outstanding, that he is freed from all further responsibility on that account. Arrears of Tuccavee which may have been paid up, before the receipt of these orders, although they might under them have been remitted, will not be refunded.

4. The Lieutenant-Governor is at a loss to understand how this account can have escaped the Board's observation. It is supposed that detailed accounts of outstanding Tuccavee advances are furnished from Bundeleund as well as elsewhere, and the large amount of balances outstanding from old dates, would naturally have attracted the Board's attention. It is now evidently necessary to extend the enquiry regarding such balances to all districts under the Board's control. Distinct information should be required from the local officers, as well as from the Accountant, as to the existence of all outstanding balances both Mal and Tuccavee, with a view to their immediate examination and prompt adjustment, on the basis laid down in para. 3, of this letter.

5. The existence of all unadjusted accounts of this nature which have remained long open, whatever may be the ground of claim, is the fruitful source of extortion on the part of the Officers of Government, and of hardship and injustice to the agriculturists. The Board are requested to draw the attention of all subordinate Officers to the circumstance, and to engage them in the duty of searching for such items and at once reporting on them. It might be of use to enjoin that no claim, which has been outstanding for more than three years, and has not been made the special subject of report and order within that period, be enforced, without a previous reference to the Board. It is requested that enquiry be made how a rule of that kind would operate, and that, if the rule be found unobjectionable, it be carried into practice.

6. A copy of this letter will be forwarded both to the Accountant and the Civil Auditor, in order that they may be fully

apprised of the earnest desire of the Government to dispose of all such unadjusted items, and that they may afford their aid in bringing to the notice of your Board any items of the nature, which might otherwise escape observation.

I have the honor to be, &c.,

W. MUIR,

*Secretary to the Government, N. W. P.*

*Lieutenant-Governor's Camp, the 30th November, 1852.*

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**No. 70.**

**COURSE OF RAILWAY THROUGH THE N. W. P.**

*No. 84. A.*

*To the Secretary of the Government of India,*

*Home Department, Dated Camp the 2nd February, 1853.*

SIR,

GENERAL DEPARTMENT. The Lieutenant-Governor has lately had an opportunity of personally conferring with Major W. E. Baker, the consulting Engineer to the Government for Railways, and learned from that Gentleman that now is the fitting time to take into consideration the measures necessary for the extension of the East India Railway through these Provinces.

2. It is the more desirable that this question be if possible considered at the present time, because the Officers of the Ganges canal are now busily employed in laying out the principal and the subsidiary lines of irrigation throughout the Doab, and it is probable that some unnecessary expense to the State might be saved if the Officers for the two works conducted their operations together, and made their arrangements so as mutually to facilitate each other's proceedings.

3. Major Baker has himself reported on the line as far as Allahabad, so that it is only necessary to consider what course the Road should take westward of that city.

4. It is well known that the country from Allahabad to Delhie presents no Engineering difficulty. The surface is per-

fectly level, free from liability to inundation of any importance, and intersected by no great rivers which there will be difficulty in crossing, for even the Jumna may be easily bridged at no great expense.

5. Such being the case, the line to be adopted will mainly depend on the commercial importance of the country to be traversed. The line which will pay best is the one which it will always be wisest to adopt, unless the cost be disproportionately large.

6. In the Doab, the present commercial marts are situated on the banks of the two great rivers which bound it, the Ganges and the Jumna. On the Ganges are Cawnpore and Furruckabad, and on the Jumna are Calpee, Agra, Muttra and Delhi. It is evident therefore that commercially and even politically considered, the Jumna side of the Doab has the preponderance. Indeed Cawnpore has now lost much of its former consequence, and even Furruckabad is less flourishing than it was, though it must always be of importance as one of the great outlets for produce from the rich province of Rohileund.

7. There are two lines from Allahabad to Delhi deserving of consideration, one the old Mogul line along the Jumna, crossing that River at Agra, and then proceeding up the right bank to Delhi; the other that of the Grand Trunk Road, which continues along the Ganges to Cawnpore, and then gradually crosses the Doab till it reaches the bank of the Jumna immediately opposite to Delhi.

8. The former line passes through Agra and Muttra, but the latter passes through no place of any importance except Cawnpore. So far as Engineering works are concerned, the passage of the Jumna is easier at Agra than at Delhi, and the difficulties in the former near Moosanugger where the Seynghoor joins the Jumna, may be more easily avoided than those on the latter which must be encountered in crossing the valley of the Hindun. The line from Agra to Delhi is peculiarly easy, with great command of stone, and in the immediate vicinity of the Jumna, along which during a great part of the year stores of all kinds may be brought by water within a few miles of the line.

9. The difference in distance is small. As far as Futtehpore,

the lines must be the same. Thence to Delhi along the old Mogul Road via Agra the distance is 339 miles, and along the Grand Trunk Road 311 miles.

10. By crossing at Agra easy access is attained to Rajpootana, the whole of Central India, and through it to Bombay.

11. These are some of the considerations in favour of the Agra line. On the other hand, our own fertile districts in Rohilkund and the upper Doab would be better opened by a line running further East. In order however to meet all the commercial and agricultural wants of the country, it will be necessary, where the main line runs, to have other divergent lines at right angles to it. When the Local Committees for Roads were organized by the resolution of 10th February 1841, it was remarked that all the great lines of land commerce crossed the Doab from East to West. One such line is from Cawnpore to Calpee, another from Agra by Mynpoory to Futtchghur, another from Agra by Hattaras to Allyghur, and Anopshahur Ghat, and another from Delhi by Hamper or Meerut to Goruckpore Ghat. All these cross roads would be united nearly as well by the Agra as by the Central Doab Line.

12. When once the road is brought to Delhi, it will probably be found that there is no impediment to stretching across directly to Ferozepore. The only difficulty will be the existence of sand hills, but these are not likely to be very formidable obstacles.

13. The Lieutenant-Governor will be glad to know when he may look for a commencement in the examination of these lines, and by what agency the work is to be executed.

I have the honor to be, &c.,

W. MUIR,

*Secretary to the Government, N. W. P.*

*Camp the 2nd February, 1853.*

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## No. 71.

## DEBT DUE BY MARWAR.

No. 2144 of 1853.

*To Lieutenant-Colonel C. G. Dixon,**Commissioner of Ajmère, Dated Agra, the 2nd June, 1853.*

SIR,

REVENUE . . . I am directed to acknowledge the receipt  
 DEPARTMENT of your letter No. 105, dated the 29th April  
 No. 75. last, with its enclosures regarding the debt  
 due to the British Government from Marwar on account of its  
 Mairwara villages.

2. The Lieutenant-Governor sees no advantage in leaving the question between this Government and the Jodhpoor state, regarding these villages, any longer an open one. All that is necessary to the final adjustment of the question, is now available, and it is desirable that a decision be immediately come to.

3. Evidently the demand upon the Jodhpoor state of 15,000 Rupees per annum, as a contribution to the Mairwarra Battalion after the close of 1841, is untenable, and must be renounced. There is no advantage to be gained by showing it in the accounts as a demand. The Jodhpoor State has agreed to pay the balance due on account, at the close of 1841; and to allow us to keep the villages as long as we see fit to manage them, on condition of our paying over to the Durbar the collections, after deducting the costs of management, which may be taken at their actual amount, or at a fixed sum of 2,000 Rupees per annum. To this no objection need be raised, and upon this basis the future management of the Marwar Mairwarra villages, may be adjusted.

4. The balance due from Jodhpoor at the close of 1840-41 is shown in your statement B to be Rupees 1,28,826-14-4½. You have also furnished two other statements, of which one shows the actual receipts and disbursements from the villages

|                      |        |   |    |                                |
|----------------------|--------|---|----|--------------------------------|
| * Collections, ..... | 85,381 | 0 | 8½ | from the commencement of       |
| Charges, .....       | 54,164 | 9 | 8  | 1841-42 to the end of 1850-51, |
| Balance,...          | 31,219 | 7 | 0½ | and a balance* on the latter   |
|                      |        |   |    | date of Rupees 31,219-7-0½     |

and the other [D] shows a balance\* of Rupees 65,384-0-8½ in favor of Jodhpoor, if the disbursements are assumed at 2,000 Rupees per annum. This leads to the conclusion that the charges for collecting Rupees 85,834-0-0 in the ten years have been 54,165-0-0, or more than 63 per cent. A careful examination of the account in statement C will show however that this is not the case.

5. The sums collected as Land Revenue, Customs, and Miscellaneous, are properly reckoned as receipts. But Tuccavee is the mere repayment of advances. As the collections under that head during the ten years have been Rupees 8,463-14-7¼, whilst the disbursements have been only 4,432-14-4, we may conclude that a great part of the amount consists of the recovery of sums formerly advanced and charged as disbursements. It will be better, then, to enter only the difference between receipts and disbursements under this head [8,463-14-7¼—4,432-14-4] 4,031-0-3½ as collections. This will reduce the total Revenue of the ten years to Rs. 80,951-2-4½.

6. The items headed "Pay Vakeels," and sums paid for the "repairs of a Durbar house," are not properly charges of management, but items in account. Again the items headed "Construction of Tank embankments [Rupees 19,860] and settlement charges [Rupees 1,158-7-4]" are rather of the nature of capital sunk, than current expenses of management. This might be fairly represented by a charge of 10 per cent. or 2,102 Rupees. This will bring down the actual charge for

|                         |            |
|-------------------------|------------|
| Construction of Tanks,  | 19,860 0 0 |
| Settlement charges, ... | 1,158 7 4  |
| Total, .....            | 21,018 7 4 |

management to 26,212-4-0† or more than 30 per cent. upon the Revenue of 80,951-2-4½.

|                          |            |
|--------------------------|------------|
| † Diet of Prisoners, ... | 4,020 7 0  |
| Establishment, .....     | 17,469 3 1 |
| Miscellaneous, .....     | 2,620 9 11 |
| 10 per cent. on Capital, | 2,102 0 0  |
| Total, .....             | 26,212 4 0 |

This however is much higher than it ought to be, and I am

desired to invite you to a reconsideration of the subject. The Lieutenant-Governor is reluctant to confess that these few villages of Mairwara cannot be managed at an expense less than 30 per cent. on the collections.

7. All the charges seem high, but there are no means of examining them here. It seems preferable to place the figures before you, and to request you to examine them. You will perhaps be able to detect some error in the account, or otherwise to explain the high charge, and perhaps also reduce it in future.

8. The means of comparing this account with that for Meywar do not exist at Agra, but the Accountant has furnished a statement for British Mairwarra, which, if it is correct, leads to a different result from that shown in your statement for Marwar. Applying to those items the same mode of treatment, as has been

|                                       |              |                 |
|---------------------------------------|--------------|-----------------|
| * Land Revenue, .....                 | 6,91,959 0 0 | adopted with    |
| Abkarree, .....                       | 10,005 0 0   | regard to the   |
| Customs, .....                        | 96,900 0 0   | items in the    |
| Miscellaneous, .....                  | 9,730 0 0    | Marwar state-   |
|                                       | <hr/>        | ment, we obtain |
| Deduct, .....                         | 8,08,594 0 0 | a total of Re-  |
| Land Revenue refunded, .....          | 20,236 0 0   | ceipts for the  |
| Half Revenue of Trust villages, ..... | 12,193 0 0   | 10 years of Ru- |
|                                       | <hr/>        |                 |
|                                       | 32,429 0 0   |                 |
|                                       | <hr/>        |                 |
|                                       | 7,76,165 0 0 |                 |

pees 7,76,165-0-0\* and a total of Disbursements of 88,113-0-0†

which gives about 10½ per cent. as the cost of collection.

9. If the above calculation is correct, it may be better to throw

|                                        |             |
|----------------------------------------|-------------|
| † Fixed establishment, .....           | 1,149 0 0   |
| Temporary, ditto, .....                | 37,251 0 0  |
| Diet, .....                            | 7,212 0 0   |
| Contingencies, .....                   | 13,400 0 0  |
| 10 per cent. on Tank embankment, ..... | 20,540 0 0  |
| Ditto ditto settlement charges,* ..... | 8,591 0 0   |
|                                        | <hr/>       |
|                                        | 88,113 0 0  |
| Total, .....                           | 18,013 0 0  |
| Deduct for Marwar and Meywar, .....    | 9,422 0 0   |
|                                        | <hr/>       |
|                                        | * 8,591 0 0 |

into one the disbursements for the whole of Mairwarra, to debit the entire sum to the British Government, and to take credit, per contra, from Meywar and Marwar for 20 per cent. on the collections from their villages. It is probable also that thus the establishments may be formed more efficiently, and economically, than at present.

I have the honor to be &c.,

W. MUIR,

Secretary to Government, N. W. P.

Agra, the 2nd June, 1853.

Statement Shewing the Receipts on account *Ajmere Mhairwarrah* from 1841-42 to 1850-51.

DEBT DUE BY MARWAR.

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NATURE OF RECEIPTS.

| Year.          | Land Revenue.  | Abkaree.   | Recovered from<br>Thakoor on ac-<br>count advance<br>for Tank Em-<br>bankments. | Customs.     | Share of Survey and<br>Settlement Depart-<br>ment of the District<br>of Mhairwarrah re-<br>covered. | Miscellaneous.                                | Total.        |
|----------------|----------------|------------|---------------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------|
| 1841-42, ..... | 73,106 9 8½    | 636 8 ½    | "                                                                               | 11,901 12 4½ | "                                                                                                   | 986 2 5½                                      | 86,631 0 7    |
| 1842-43, ..... | 53,867 14 10½  | 690 12 3   | "                                                                               | 10,952 0 11½ | "                                                                                                   | 1,219 13 4                                    | 66,720 9 4½   |
| 1843-44, ..... | 42,743 14 6    | 804 2 6½   | "                                                                               | 10,981 10 ¾  | "                                                                                                   | 812 13 ¼                                      | 55,347 8 1½   |
| 1844-45, ..... | 92,182 5 8     | 957 8 2½   | "                                                                               | 10,762 10 7  | "                                                                                                   | 1,119 0 3                                     | 1,05,021 8 8½ |
| 1845-46, ..... | 75,039 1 5     | 979 2 8½   | "                                                                               | 10,385 7 11  | "                                                                                                   | 1,191 1 5                                     | 87,594 13 5½  |
| 1846-47, ..... | 67,624 13 8    | 1,227 7 1  | "                                                                               | 10,034 15 8  | "                                                                                                   | 1,558 14 10                                   | 80,446 3 3    |
| 1847-48, ..... | 79,079 1 8     | 1,395 15 0 | "                                                                               | 9,186 12 4   | From<br>Meywur, 5,175<br>Maiwur, 830<br>Ditto, ... 160                                              | 821 0 1                                       | 90,482 13 1   |
| 1848-49, ..... | 59,920 4 10    | 1,130 10 6 | "                                                                               | 5,887 15 11  | Ditto, ... 160                                                                                      | 766 12 5                                      | 73,710 14 8   |
| 1849-50, ..... | 59,528 11 6    | 1,119 13 4 | "                                                                               | 6,947 0 4    | Meywur, 2,239<br>Ditto, ... 184<br>Ditto, ... 120                                                   | 351 8 7                                       | 70,530 12 7   |
| 1850-51, ..... | 88,860 15 4    | 1,073 0 8  | 240                                                                             | 9,860 0 3    | Ditto, ... 499<br>Ditto, ... 160<br>Maiwur, ... 53                                                  | Do. 903<br>Office Esta-<br>blishments.<br>Do. | 1,01,770 6 9  |
| Total, .....   | 6,91,958 13 1½ | 10,005 0 4 | 240                                                                             | 96,900 6 5   | 9,432 3 6                                                                                           | 9,730 3 2½                                    | 18,256 10 7½  |



*Statement Shewing the Disbursements and Net Revenue of Ajmere Mhahirwarrah from 1841-42 to 1850-51.*

NATURE OF DISBURSEMENTS.

| Year.      | Fixed Estab-<br>lishment. | Temporary<br>Establish-<br>ment. | Dict.        | Contingencies. | Making and re-<br>pairing Tank<br>Embankments. | Land Revenue<br>refunded.                 | Town wall at<br>Nyanuggur,<br>&c. | Half Land Re-<br>venue of Mhair<br>Trust villages<br>payable to Rann<br>settlement of<br>Ajmere Mhairwarrah. | Charges for<br>Survey and<br>settlement of<br>the district of<br>Mhairwarrah. | Total Disburse-<br>ments. | No. 1.<br>Revenue. |
|------------|---------------------------|----------------------------------|--------------|----------------|------------------------------------------------|-------------------------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------|--------------------|
| 1841-42,   | "                         | 4,503 5 11 0                     | 318 9 1 3    | 580 6 1 3      | 15,225 10 11                                   | 2,043 3 9 3                               | 0 0                               | 0 0                                                                                                          | 0 0                                                                           | 22,701 4 3                | 63,929 12 4        |
| 1842-43,   | "                         | 5,727 12 4 3                     | 416 10 3     | 594 14 2       | 19,177 13 7                                    | 1,771 15 3 1                              | 20,840 10 9                       | "                                                                                                            | "                                                                             | 48,529 12 5               | 18,190 12 11 1     |
| 1843-44,   | "                         | 3,741 "                          | 620 15 10    | 1,085 12 0     | 21,315 0 0                                     | 1,231 4 3                                 | 3,000 0 0                         | "                                                                                                            | "                                                                             | 30,994 0 1                | 24,353 8 2         |
| 1844-45,   | "                         | 3,262 7 2                        | 485 8 5 3    | 1,382 2 6      | 23,751 13 10                                   | 2,422 0 0                                 | "                                 | From 1st<br>June 1837                                                                                        | "                                                                             | 31,303 15 11 3            | 73,717 8 9         |
| 1845-46,   | "                         | 3,336 "                          | 488 "        | 1,737 6 10     | 24,567 15 11                                   | 1,071 3 7                                 | 0 0                               | May 1845.                                                                                                    | "                                                                             | 38,462 3 2                | 49,132 10 3 1      |
| 1846-47,   | "                         | 3,336 "                          | 602 5 5      | 1,496 7 2      | 23,247 7 0                                     | 2,817 3 7                                 | 0 0                               | "                                                                                                            | "                                                                             | 31,499 7 2                | 48,946 12 1        |
| 1847-48,   | "                         | 3,336 "                          | 390 14 10    | 1,541 15 5     | 1,200 0 0                                      | 3,145 4 7                                 | 0 0                               | 2,162 6 1                                                                                                    | "                                                                             | 11,776 8 11               | 78,706 4 2         |
| 1848-49,   | "                         | 3,614 "                          | 664 3 7      | 1,199 10 0     | 24,950 5 3                                     | 2,458 12 10                               | 0 0                               | 1,154 6 8                                                                                                    | 11,114 4 9                                                                    | 45,155 11 1               | 28,555 3 7         |
| 1849-50,   | "                         | 3,614 "                          | 2,225 1 2    | 2,288 15 1     | 27,526 9 11                                    | 802 6 5                                   | 0 0                               | 424 13 9                                                                                                     | 4,634 2 5                                                                     | 42,577 15 9               | 27,952 12 10       |
| 1850-51,   | "                         | 2,780 "                          | 999 9 6      | 1,492 13 4     | 18,430 7 5                                     | 2,472 7 0                                 | 497 0 0                           | "                                                                                                            | 1,061 15 0                                                                    | 36,189 5 6                | 65,581 1 3         |
|            |                           |                                  |              |                | 5,980 0 0                                      | Con-<br>struction &<br>repair<br>of roads |                                   | 1,189 13 1                                                                                                   | 585 0 0                                                                       |                           |                    |
| Total, ... | 1,144 8 4                 | 37,250 9 5 3                     | 7,211 14 4 1 | 13,400 7 0     | 2,05,403 3 10                                  | 20,235 13 4                               | 24,337 10 9                       | 12,193                                                                                                       | 18,013 1 0                                                                    | 3,39,190 4 3 1            | 4,479,066 6 3 3    |

NOTE. The Accountant's Office cannot furnish a Statement of the Receipts and Disbursements on account of the Meywar and Marwar portions of the District of Mhairwarrah as it receives no returns connected with those portions of the District in question.

\* June 1845 to May 1847. † June 1847 to May 1848. ‡ June 1848 to May 1849. § Village Schools. ¶ June 1849 to May 1850. ¶ Village Schools.

## No. 72.

No. 2525 of 1853.

REMISSIONS IN THAKOORDWARA, ZILLAH  
MORADABAD.*G. J. Christian, Esquire,**Secretary to the Sudder Board of Revenue, N. W. P.**Agra, dated the 29th of June, 1853.*

SIR,

REVENUE I am desired to acknowledge the receipt  
DEPARTMENT, of your letter dated the 27th ultimo, recommending remissions of Revenue for the years  
No. 458. 1851-52 and 1852-53, in Pergunnahs Thakoordwara and Kasheepoor, Zillah Moradabad.

2. The proposal rests on the alleged deficiency of rain during the period between May 1851 and April 1852. And yet the Register of Rain, to which an appeal is made as confirming the statement, shows a fall during the year in Thakoordwara of 25-35 inches, and in Kasheepoor of 36-37 inches. These two Pergunnahs moreover are the only parts of the country in which remissions are needed. The Lieut.-Governor cannot find in these circumstances "a calamity of season, spreading over a large tract of country" such as is supposed, in the 7th para. of your letter, clearly to

*Memo. of fall of rain.*

|              |             | TelseeleeTha-<br>koordwara. | Telseelee Ka-<br>sheepoor. |
|--------------|-------------|-----------------------------|----------------------------|
| May,         | 1851, ..... |                             |                            |
| June,        | " .....     | 3.02                        | 6.18                       |
| July,        | " .....     | 10.19                       | 16.85                      |
| August,      | " .....     | 1.17                        | 2.94                       |
| September,   | " .....     | 1.72                        | 3.46                       |
| October,     | " .....     | ...                         | ...                        |
| November,    | " .....     | 0.10                        | 0.08                       |
| December,    | " .....     | 0.05                        | 0.04                       |
| January,     | 1852, ..... | 0.43                        | 0.12                       |
| February,    | " .....     | 1.36                        | 0.93                       |
| March,       | " .....     | 6.56                        | 5.54                       |
| April,       | " .....     | 0.75                        | 0.23                       |
| Total, ..... |             | 25.35                       | 36.37                      |

disable the people from paying their Jumma, or precluding the state from enforcing its right.

3. The proposal for remission made by the Commissioner rests more upon the character of the cultivators and the present necessity of the case, than upon the absolute failure of assets. In paras. 2 and 3 of his letter of April 13th, Mr. Dick describes how at the settlement under Regulation IX. of 1833, a number

of indigent resident cultivators were recognized as proprietors of the land. They are represented as dependant on their Banker whose refusal to make advances leaves them without resource. The Moquddums of Thakoordwara and "Kasheepoor are more disposed to resort at once to Government for relief, and abandoning the care of their villages to besiege the authorities with complaints, than to exert themselves to mitigate the effect of the calamity."

4. This was precisely the course followed in the present instance. Large numbers proceeded to meet the Camp of the Most Noble the Governor-General, and adopted the usual expedient of pouring in a multiplicity of petitions. From these Pergunnahs alone 75 such petitions were presented, whilst from the rest of the districts there were only 7. The petitions were referred to the Collector for examination and "the people interpreted this reference into an order from Government to realize no more from them than they stated to have been produced."

5. The attempt to ascertain the real assets of the Pergunnah signally failed. The Tehseeldar who had enquired into the Khurreef assets, and whose trustworthiness and local knowledge would have been invaluable, was suddenly carried off by cholera in the Collector's Camp, while making his report: nor was the enquiry into the assets of the Rubbee crop more satisfactory, for the Commissioner asserts [para. 16] that "no dependance can be placed on the accuracy of the estimated assets of the Rubbee crop. The rents being, for the most part, collected by Buttai by Malgoozars present on the spot, they have it in their power to write down what they please. In point of fact the amount of remission proposed has no relation to the assets, but is in most cases, simply the amount of balance due at the time the order was given.

6. It cannot be admitted that this statement of the case inspires confidence in the proposal. When failure and difficulty seem to have been apprehended, all ought not to have been dependent on the life of one man. In a country where payments by Buttai and Kunkoot are common, it is not impossible to obtain a fair and trustworthy estimate of a growing crop.

7. Still the Commissioner asserts that there is no doubt of the absolute necessity of remission. The Malgoozars are poor and have no substance, and no purchasers or farmers of the villages can be found. The assurance to this effect of the Collector and Commissioner must be accepted, and the balance remitted from those from whom it cannot be realized.

8. But no sufficient reason is stated, why a further remission should be granted, [beyond what the Commissioner proposes] to those persons, who are able to pay up the amount, and many, if not all, of whom hold other possessions, where they are allowed to reap their profits without question. The whole measure rests simply on the poverty and personal character of the cultivating proprietors, and it follows that when the proprietors are not poor, or of this peculiar character, they cannot claim the indulgence.

9. The Commissioner's proposal also that farmers and those who took the lands on speculation on failure of the proprietors, should be exempted from the benefit, appears to be just. They might perhaps in extreme cases be allowed to resign their farms, but if they hold to their bargain, and retain their farms, they cannot complain of being required to abide by the terms of their contract.

10. Under these circumstances the Lieut.-Governor is pleas-

| Pergunnah.         | REMISSION. |            |           |            |
|--------------------|------------|------------|-----------|------------|
|                    | Class.     | 1851-52.   | 1852-53.  | Total.     |
| Thakoordwarra, ... | I.         | 16,492 0 0 | 3,974 0 0 | 20,466 0 0 |
| Kasheepoor, .....  | I.         | 8,662 0 0  | 2,716 0 0 | 11,378 0 0 |
| Total,.....        |            | 25,154 0 0 | 6,690 0 0 | 31,844 0 0 |

ed to remit the items in class I in the margin\* of para. 2 of your letter as at present advised, but declines to

extend the same measure to the items in classes II. and III. which must be realized as may be found practicable, unless other and more urgent reasons exist for the remission than have been hitherto advanced.

11. The whole of this correspondence leaves a painful impression that the state of these Pergunnahs is far from what it

ought to be, and that it requires the most careful attention of the Revenue Officers of the district. The country is not in a satisfactory state, when the proprietors are unable to bear up against so small and so temporary a failure of season as is here represented to have occurred. It is an evil precedent, when idle inactivity and factious recusancy are allowed, as here, to triumph. The soil is fertile, water is near the surface, the

\* Vide Statistical Memoir, whence deduce Dillaree Thakoordwara 4.23 to statute mile Kasheepoor [excluding forest] 164 to

† RATES PER ACRE.

|                              | Total<br>Area. | Malgoo-<br>zaree. | Culti-<br>vated. |
|------------------------------|----------------|-------------------|------------------|
| Dillaree Thakoordwara, ..... | 1 3 9          | 1 10 9            | 2 1 4            |
| Kasheepoor, .....            | 0 4 7          | 1 0 0             | 1 12 9           |

means of artificial irrigation abundant, the population by no means scanty,\* and the assess-

ment† light, with great capabilities of improvement. These are naturally the circumstances under which a thriving, industrious, and prosperous peasantry ought to be found. If the reverse is really the case, the causes of such an anomaly deserve the most serious consideration. The Lieutenant-Governor would hope that the able men, who have so long presided over the administration of Rohilcund, and in whose keeping her destinies are still confided, will not fail to investigate the causes of this state of things, to point out the means by which it may be remedied, and to urge to a successful result the measures which may be effectual to the end.

I have the honor to be, &c.

W. MUIR,

Secretary to Government, N. W. P.

Agra, the 29th of June, 1853.

No. 73.

No. 2172 of 1853.

## PROPOSAL FOR A NEW REVENUE YEAR.

*G. J. Christian, Esquire,**Secretary to the Sudder Board of Revenue, N. W. P.**Agra, dated the 3rd of June, 1852.*

SIR,

REVENUE DEPARTMENT, I am desired to acknowledge the receipt of your letter dated May 10th last forwarding No. 135. for consideration a correspondence with the Commissioner of the Allahabad Division which arose out of the case of Mouzah Kahy, Pergunnah Hutgaon, Zillah Futtelipoor.

2. The Lientenant-Governor understands that the difficulty regarding this particular case has been surmounted and that no further orders respecting it are requisite.

3. The proceedings, however, regarding the farm of this Mouzah show that farming leases of Mouzahs for arrears of Revenue should be made to run according to the Fussily and not according to the official year, so that the collections from the ryots and the payments to the Government may fall within the same year of the farming lease. It is recommended to the Board to take into their consideration the expediency of immediately passing a rule to that effect.

4. The general question raised in this correspondence is of a wider scope than the period for which farming leases should be granted, and requires careful consideration as involving the practice of the Revenue Department in the administration of the country.

5. There can be no doubt of the benefit conferred by the

See para. 5, Circular Order No. II. Sudder Board's orders for re-  
page 151. ducing to four or five the num-

ber of instalments in which the land revenue is to be paid, and for fixing them so as to fall due, after the crop on which they were levied had been cut. But it may be questioned, whether

the Rubbee Instalments were not fixed too late in some districts

See para. 104, Circular Order No. III. when the demand for them  
page 279. was every where postponed till

May 1st. It may further be feared that the adoption of the official year from May 1st to April 30th, as the Revenue year, has been productive of much inconvenience. It is believed that in some parts of the country, the settlements have been made according to the official year, and thus the instalments for the Rubbee crop of each year do not fall due till the commencement of the following year.

6. Experience has shown that the soli-lunar Fussily year was very inconvenient for Revenue purposes, and practically that inconvenience had been in some degree remedied by arbitrarily assuming that the Fussily year commenced on October 1st. The inconvenience might, indeed, have been entirely removed by determining that whilst the Fussily year was retained as the Revenue year, the instalments should all have been fixed according to the months of the Roman calendar. It might be possible now to revert to this plan; but if any change is now made, a further question arises, whether the date on which the Fussily year commenced was the most convenient that could be assumed for Revenue purposes.

7. Apparently the Fussily year was made to commence when it did, because the first instalments on the khurreef crops were then made. But that has ceased to be the case. The khurreef kists do not now fall due till the middle of November.

8. Nature in this part of the country appears to fix the proper time for the commencement of the agricultural year. After the Rubbee crops have been cut, there is a pause in almost all agricultural operations till the first fall of rain. This then is the time when transfers of landed property can be most easily made, the agricultural operations of one year having for the most part closed, and those for the following year not having commenced. If then the agricultural year were made to commence, either at the beginning, or after the close, of the month of June, the year would be made to represent a period within which the ordinary agricultural operations of a village community could be commenced and terminated. Within this period, lands would

The Fussy year in the Deccan begins about June 6th, see Prinsep's useful Tables pp. 35, 37. See also Oriental eras. Bombay 1817 p. XIV.

be leased out, and cultivated, the crops sown and cut, and the rent and Revenue become obligatory, fall due, and be liqui-

dated. The same cannot be said of any other year now commonly in use.

9. It may therefore be found advantageous to establish, as the agricultural and Revenue year in these provinces, one which shall commence in June, be divided according to the Roman calendar, and bear the number of the Fussy year, which would commence on the 1st of Assini following. The instalments of Revenue may then be fixed in each district on the dates which may be found most convenient; and if the early rubbee instalments should be fixed before May 1st, the payments may be held in deposit, and not brought to account till May 1st, so that the official year shall always represent the same financial operations that it now does.

10. Before however a change is determined on which will exercise a considerable influence over the accounts of the country, it is desirable that the subject be well considered. The Board are therefore requested to circulate, for general consideration, both in English and Oordoo, the main points which appear to them worthy of being weighed in coming to a determination on the question, and to favor the Government with their matured opinion upon it. One of the points to be determined is the precise date on which the proposed year should commence, whether June 1st, or July 1st, or some intermediate date, opinions on this point will probably vary according to the climate and agricultural routine in different parts of these provinces. It will be necessary to assume that date, which seems most nearly to suit the wants of all districts.

I have the honor to be, &c.,

W. MUIR,

*Secretary to Government, N. W. P.*

*Agra, the 3rd of June, 1853.*



## No. 74.

## POWERS OF JAGEERDARS IN JALOUN.

No. 2564 of 1853.

*To G. A. Bushby, Esquire,**Agent to the Governor-General,**Bundelcund, dated Agra, the 1st July, 1853.*

SIR,

JUDICIAL DEPARTMENT, I am desirous to acknowledge the receipt of your letter dated June 3rd, No. 19 with No. 12. enclosures, regarding certain Jageerdars in Jaloun and Kuchwahagurh.

2. The persons to whom your letter refers are five in number.

|                            | Supposed<br>rental. | Payment to<br>Government. |
|----------------------------|---------------------|---------------------------|
| <b>JALOUN.</b>             |                     |                           |
| Rajah of Juggurmumpoor,... | 65,000              | 4,754                     |
| Rao of Goorserai, .....    | 60,000              | 22,500                    |
| Gurreebund of Serawun, ... | 28,000              | 3,526                     |
| <b>KUCHWAHAGURH.</b>       |                     |                           |
| Rajah Rampoor, .....       | 30,000              | Nil.                      |
| Rao of Gopalpoora, .....   | 10,000              | Nil.                      |

In Jaloun there are the Rajah of Juggurmumpore, the Rao of Goorserai, and the Gurreebund Takoor of Serawun. In Kuchwahagurh there are the Rajah of

Rampoor, and Rao of Gopalpoora.

3. It is understood that these were Chieftains of consideration, who under the former Government, exercised an undefined power, being nominally subordinate and dependant, but virtually more or less free and uncontrolled in the civil administration of their own estates. The exercise of independent jurisdiction of this kind on the part of subordinate chieftains, is not easily compatible with the strictness of rule which is characteristic of the British system. It is difficult to maintain good Government without trenching on the privileges of the chieftains; and it is at the same time impossible to witness tyranny and oppression, without renouncing the obligations which necessarily rest on the ruling power, and endangering the tranquillity of the surrounding country.

4. But though the undertaking is difficult, and perhaps for a permanency impossible, there is no reason why in each case the attempt should not be made. In the first period of our rule,

especially when the pressure of a new and foreign system is likely to be peculiarly harassing, this may for some time be effected by skilful management. The privileges of the chieftains may be respected and maintained, at the same time that the essential requirements of justice and moderation are observed. It is in order to admit of a large discretion of this sort, that provinces when first brought under our rule, are exempted from the operation of the Regulations.

5. But the exemption from the forms of our system must in such cases be general in order to be effectual. It is in vain to introduce our Police, or our Revenue system, and to refrain from the establishment of Civil Courts. Our system stands as a whole: its principles are equal justice to all, and the recognition of the rights of all. When we set aside the Chieftains' authority for the assertion of these principles as regards one class of cases, we must do so as regards all. If the Chieftain or his Officers are liable to be prosecuted in the criminal Courts for an assault, it is impossible that they can of their own authority effectually collect the Revenue or administer justice between man and man. The administration must be left entirely in the hands of the chiefs, and the principles, which we are bound to maintain, must be asserted by some other means than through the ordinary operations of our Courts, as organized for the Government of our own country.

6. The means to be employed for inducing the chiefs rightly to administer the country left in their charge, must be influence and advice. We are under no obligation to maintain their apparent independence. It is only maintained from motives of policy and prudence, out of consideration to them, and from a wish to uphold their privileges, so long as such a course is not inconsistent with good Government. The arrangement is one of favour, not of right. It should be so stated to them; and the knowledge that such is the case, will be one of the best securities for their future good conduct. No sumnud should on any account be given. Pledges of all kinds will but weaken our power of control, and lead them to suppose that they possess rights which it is impossible that they could ever freely exercise, without endangering the public peace.

7. The duty of the Superintendent will then be to direct, advise, and control. The ultima ratio on which to fall back, undoubtedly is the termination of the power of administration by the Chieftain; but this need not be constantly asserted, or offensively paraded. It is a mistake to suppose that nothing can be effected except by an express order. Expostulation, remonstrance, or, in extreme cases, threats, are very effective means for bringing about just and benevolent designs. If a chief is himself tyrannical or oppressive, he may be fined for misconduct, and induced to make over his power to some person, who shall act in his name; or he may even be altogether set aside, and another member of the family substituted in his room. The obstinacy of the Chief, the contumacy of his subjects, or the intermeddling of the British Officer, may at any time bring affairs into such a state that the maintenance of the system is no longer possible. But the trial should be made. Possible failure of the plan should not deter from the attempt to introduce it when its success will evidently be beneficial.

8. It is true that the accomplishment of this purpose requires peculiar tact, and management on the part of the British Officer entrusted with its superintendence. It is perhaps more difficult to govern through another than by one's own authority. Never is the superiority of intellect and genius more displayed than when objects are thus accomplished through the instrumentality of others, without the visible exertion of one's own power. If the project ultimately fails, such a result may occur from the injudicious interference or mismanagement of the British Officer, as well as from the misconduct of the Chief. Still there are many by whom the experiment will be fairly and judiciously conducted. Captain Erskine, the present Superintendent, is an Officer who of all others is most likely to succeed in such an undertaking. There is good reason to anticipate its success so long as he continues at his post.

9. The Lieutenant-Governor is therefore disposed to abstain from all pledges or promises to these chiefs, to place them all on the same footing, and to tell them that there is no wish to interfere with their jurisdiction so long as they administer their country well. It is useless to require forms or statements from

them. These are no real cheeks. They only worry and annoy, and they lead to falsehood and deception. They may in future be discontinued. Allegations of injustice or tyranny should always be investigated in such way as the Superintendent thinks best, publicly or privately through the Chief or by one of his own Subordinates, or by himself in person. Redress for a wrong should be sought through the Chief or from him, by remonstrance, or by force. In these as in all other relations, a large discretion must be left to the Superintendent, and with him must rest the responsibility of exercising this discretion wisely and justly. Heinous offences must never be punished by the Chief without the sanction of the Superintendent, with whom would rest the infliction of such punishment as the offender was held to deserve.

10. There is no necessity for keeping the discharge of these functions in the so-called political or foreign Department. The Chiefships are not foreign or independent States, nor is the superintendence, in the ordinary exercise of his administration functions, tied down to the observance of fixed forms. As Civil administration of the district under his care, he manages these estates in the manner best suited to their condition.

11. Passing now from generals to the particular cases which have given rise to this reference, advertence will be made to the features which they assume, and the course which may be followed respecting them.

12. The character which is given of the Rajah of Rampoor, in para. 18 of your letter, leads to the hope, that he will be found readily accessible to the better influences which may be brought to bear upon him. He must be required to dismiss his Brahmin adviser Bhorun Singh Tewarree, who may even, if necessary, be removed from the territory and kept elsewhere under surveillance. He may be persuaded to nominate another and a better manager, through whom provision should be made for the fair trial of the sixty-one men still in confinement. If unhappily he should be found disinclined to all advice, temporary provision may be made for the management of the Ilakali through one of his relations, or his dependants; but it is hoped that there will not be any necessity for this. The infliction of the fine of Rs. 1,000 is well deserved, and is confirmed, though

punishment by fine, except for personal misconduct or contumacy, is not a practice to which resort should be had without very strong necessity.

13. The same course should be pursued towards the Rajah of Juggunmupore, who may be relieved from the requisition to furnish returns of crime.

14. The Gurreebund Takoor of Surrawm might be left on the same footing and with the more security, because he is represented as a well-disposed and intelligent man, if a contrary practice has not been already introduced under an intimation from the Most Noble the Governor General of India in Council. If all power of Civil administration has been already taken from him, it cannot now be restored; but every consideration may be shown him which consistency of conduct will admit.

15. It appears that some written pledges have been given to the Rajahs of Juggunmupore and Rampoor, the former of which have been sanctioned\* by the Government. The Lieutenant-Governor would be glad to receive from you more precise information on these points. It is desirable not to embarrass the Government unnecessarily with pledges; but if agreements have once been entered into and ratified, they must of course be scrupulously observed.

16. Whilst treating of this subject, it may be well to mention that no interior or village survey should be made of the lands of these Jageerdars. The external boundary of their estates must be determined and marked off wherever their possessions are conterminous with those of other persons; and the external boundaries, so marked off, will be laid down by the Revenue Surveyor according to the method in use, and this will give the total area of each Jageer. The Geographical features of the Jageers may also be given, the village sites, the rivers, roads, &c.; but more than this is not necessary. It will not be requisite to determine, either by the scientific or the native method, the amount of cultivated or culturable land, the character of the soils, &c. Hereafter, if at any time a detailed survey is required, it can be made with sufficient accuracy by the native method,

\* V. para. 13 of your letter of June 3rd, 1853.

but the external boundary marks must be carefully maintained.

17. You will be pleased to provide that instructions to the above effect are communicated by the superintendent to the Revenue surveyor.

I have the honor to be, &c.,

W. MUIR,

*Secretary to Government, N. W. P.*

*Agra, the 1st July, 1853.*



No. 75.

ACCOUNT OF THE PRESENT STATE  
OF THE  
COLLEGE FOR CIVIL ENGINEERS AT ROORKEE  
AND  
SCHEME FOR ITS ENLARGEMENT.

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1. The object of this brochure is to explain the circumstances which occasioned the institution of a College for Civil Engineers at Roorkee, the progress which has been hitherto made in the accomplishment of the design, and the further measures, which are now proposed for the full attainment of the advantages, which the College is calculated to produce.

2. The necessity has long been felt of some systematic training for Civil Engineers in this country.

3. The Western Jumna Canals were commenced in 1817. Up to May 1st, 1847, the expenditure on the original works alone had amounted to Rs. 12,04,749, whilst the annual expenditure on Establishment was about Rs. 70,000, and on current repairs upwards of Rs. 50,000, the annual direct income being about Rs. 3,00,000.

4. The Eastern Jumna Canal was commenced in 1822. Up to May 1st, 1847, the expenditure on the original works had amounted to Rs. 8,14,492, the annual expenditure on Establishment was Rs. 34,000, and on current repairs about Rs. 35,000, the annual direct income being about Rs. 1,20,000.

5. In the Dehra Dhoon, in Rohileund, and on the Nujf-gurh Jheel, near Delhi, works for draining and irrigation have



long been maintained by the Government. These require skilful superintendence, and the employment of expensive establishments. They yield a considerable revenue to the Government, and add much to the productive powers of the land, and to the wealth of the people.

6. Within the last 20 or 30 years, several fine roads have been constructed by the Government at the public expense. The road from Jubbulpore on the Nerbudda to Mirzapore on the Ganges has been led with much skill across the Kymoor range. The Grand Trunk Road from Calcutta to Delhi is a perfect specimen of a metalled road, adapted to the rapid transit of Wheel-carriages. The road from Agra to Bombay, though less perfect than the others, was laid out with great engineering skill, and the pass down the Vindhya Range by which the valley of the Nerbuddah is gained, was an arduous and costly undertaking.

7. In 1841, the Government appointed Committees in every district to administer the local Funds. These Funds consist of the surplus collections from the Ferries across the rivers, and of a contribution of one per cent. on the Land Revenue, which the zamcendars agreed at the last Settlement to pay in commutation of the obligation to labour on the roads. The former is called the Ferry Fund, and amounts in all the districts to about Rs. 2,00,000 per annum, the latter is called the Road Fund, and amounts to about Rs. 4,00,000 per annum. The Local Committees are bound to expend the total of Rs. 600,000, per annum on Roads, Bridges, &c., for the accommodation of travellers, and for the better development of the resources of the country.

8. From the commencement of 1833, the operations of the Great Trigonometrical Survey have been carried on in the North Western Provinces of Hindoostan, and from that time to the present the Head Quarters of the Department have been chiefly in the Dehra Dhoon and the neighbouring hill station of Mussoorie.

9. The last Land Revenue Settlement of the North Western Provinces, which came to a close about 1842, was founded upon a scientific survey of the whole country. This cost the Govern-

ment Rs. 23,56,555,\* and provided an accurate Map of every village in the whole tract of more than 70,000 square miles. It was the foundation of a complete system of registration of the rights in land. The maintenance of that registration requires constant reference to the Survey Maps, and an acquaintance with both the English and Native modes of survey.

10. It is thus apparent that for many years past there has existed a large demand for skill in every branch of Civil Engineering, over and above that which is always required by the Government for the construction and maintenance of its Civil and Military buildings. To meet this demand, there were Officers of the Army, and Educated Europeans who came to the country unconnected with the Services; there were European Non-Commissioned Officers and Soldiers; and there were also natives of the country. To make these efficient Agents, the well educated Europeans, lately arrived in the country, required instruction in the native languages, especially in the Vernacular terms of science, and also in the peculiarities of materials and of construction in this country. The uneducated Europeans required scientific instruction, so that their energy and trustworthiness might be well directed. The natives of the country, from their local experience, and ability to bear exposure to the climate, were likely to prove efficient instruments, if they were only well instructed, and inspired with a proper sense of the importance of their position.

11. Efforts to supply this want were for some time made by providing the means of special scientific training, in institutions which were then existing.† In January 1845, Lieutenant Baird Smith, of the Engineers, Superintendent of the Eastern Jumna Canal, undertook to conduct at Saharunpoor the education and training of native youths in Civil Engineering. For this purpose certain disbursements were sanctioned, and two of the most advanced scholars in the Agra and Delhi Colleges were placed under Lieutenant Smith's care. Towards the close of the same year,‡ masters were appointed to the Delhi and

\* See Official Return in Rushton's Almanac for 1851, p. 75.

† Vide Appendix D. to Education Report for the North Western Provinces 1844-45.

‡ Vide Appendix E. to Education Report for the North Western Provinces, 1845-46.

Agra Colleges for the special purpose of teaching Architectural Drawing and Surveying.

12. In the same year a very important step was taken by the formation of a class of "Sub-Assistant Executive Engineers," who should have fixed allowances and a recognized standing in the public service. The following Rules constituting this class of officers were promulgated with the sanction of the Supreme Government on October 9th, 1845.

I.—"A class of Officers shall be appointed, to be denominated 'Sub-Assistant Executive Engineers.'

II.—"The salary of the appointment shall be 100 rupees per mensem, with travelling allowance, when in the field, to the extent of three-tenths of the salary, as fixed by the Orders of Government, dated September 19th, 1843.

III.—"The Rules for joining stations and for leave of absence, prescribed for Sub-Assistant Surgeons shall be held applicable to Sub-Assistant Executive Engineers.

IV.—"All Candidates for the appointments shall be required to prove, by an examination, that they possess the following qualifications:—

"Sufficient acquaintance with the English language to enable them to read, understand and explain works on Civil Engineering.

"A knowledge of Geometry, Algebra, Plane and Spherical Trigonometry, Conic Sections and Mechanics.

"Acquaintance with the use of the Sextant, Theodolite, Levelling Instrument, and other Instruments commonly used in Surveying, with a practical knowledge of Land Surveying and Levelling."

"Ability to draw Maps and Plans, including the construction of working plans from designs, models, or actual existing works.

"Acquaintance with the method of keeping accounts in the Department of Public Works, and with the mode of preparing estimates."

V.—"A Committee will be formed, once or oftener in a year, for the purpose of examining Candidates and giving them certificates of qualification. If it be found inconvenient for this

Committee to assemble together, they will decide on fit questions to be answered in writing, and will hold the examination at such place or places, and in such manner, as may be found convenient.

VI.—“Candidates for these appointments are desired to submit their applications to the Secretary to the Government of the North Western Provinces, in the General Department, but no applications will be received which are not accompanied with the Survey, (including Map and Field-book), of a tract of country, and with the plan, section, and estimate of a building, sufficient to show the competency of

\* Superintending Engineer and Executive Officers in the Central and Western Provinces.

Superintending and Executive Officers of Canals.

Superintendent of Embankments and Water-Courses in Rohileund.

Principal of Delhi College.

Principal of Agra College.

Principal of Benares College.

Superintendent of Bareilly School.

the Candidate in these branches of Education. These must be accompanied with a Certificate from one of the Officers noted in the margin\* that the specimens are, to the best of his belief, the actual performance of the Candidate, and that the Candidate has also studied and made

progress in the several branches of science noted above. The abovementioned Officers have been requested to grant such certificates, when they think them merited, and to forward the application under their official cover.”

13. The number of Sub-Assistant Executive Engineers was at first limited to 4, but was subsequently (December 22nd, 1846,) increased to 20. One of Lieut. Baird Smith's pupils named Munnoo Lall was immediately examined, and found qualified for an appointment of this nature. He has since rendered valuable services as a Teacher in the Roorkee College. Three other native youths have since passed the required examination, and obtained appointments as Sub-Assistant Executive Engineers. The chief benefit of the measure has been to hold out definite expectations to the educated youth in the Government Colleges. The standard of mathematical attainments has been designedly fixed high, and there are many who are making great exertions to reach the mark.

14. In 1847, after the conclusion of the first Punjab War, Lord Hardinge, the Governor-General, determined on the

vigorous prosecution of the Ganges Canal. This great national undertaking was designed to irrigate, by means of the waters of the Ganges, the greatest part of the Doab between the Ganges and Jumna. It was then supposed that it would cost Rs. 1,00,00,000 and might be completed in 6 or 7 years. The undertaking, especially in the first few miles of its course, was beset with great engineering difficulties. Evidently it would tax to the utmost the skill, industry and resources of the people and of the country. The science that was necessary to construct a work of this magnitude, would also be constantly kept in exercise for its maintenance, improvement, and extension. Immediate measures were necessary to meet the emergency, and to provide a constant supply of well-trained, experienced Civil Engineers, who should be able to face all the difficulties which are involved in the management of large undertakings of this nature. Out of this emergency Roorkee College had its rise.

15. Roorkee is a village situated about half way between Saharanpore and Hurdwar, at the point a little to the south of the Sewalik range of Hills, where the Ganges Canal leaves the low land bordering the river, and enters upon the high land forming the water-shed of the Doab. This level is reached by a large aqueduct across the Solani river, a tributary to the Ganges running under Roorkee, and immediately to its east. The circumstances which caused the selection of this spot as the site of the College, are thus stated in the proposal made to the Governor-General on September 23rd, 1847. "The Establishment now forming at Roorkee near the Solani aqueduct on the Ganges Canal affords peculiar facilities for instructing Civil Engineers. There are large workshops and extensive and most important structures in course of formation. There are also a library and a model room. Above all a number of scientific and experienced Engineer Officers are constantly assembled on the spot or occasionally resorting thither.

"These Officers, however, all have their appropriate and engrossing duties to perform, and cannot give time for that careful and systematic instruction which is necessary for the formation of an expert Civil Engineer.

“ On these accounts the Lieutenant-Governor would propose the establishment at Roorkee of an Institution for the education of Civil Engineers, which should be immediately under the direction of the Local Government in the Educational Department.”

16. The proposal obtained the immediate and cordial support of the Governor-General of India. On October 19th, 1847, Lieutenant R. Maclagan of the Bengal Engineers, was appointed Principal of the College, and on November 25th of the same year, the following Prospectus was issued.

No. 949.

*General Department, North Western Provinces.*

HEAD QUARTERS, the 25th November, 1847.

#### NOTIFICATION.

“ The Lieutenant-Governor directs the publication for general information of the following Prospectus of a College for instruction in Civil Engineering which is now established at Roorkee, and of which Lieutenant R. Maclagan, Engineers, has been appointed Principal.

#### “ PROSPECTUS OF THE CIVIL ENGINEERING COLLEGE AT ROORKEE.

[1st.] “ The College is designed to give theoretical and practical instruction in Civil Engineering to Europeans and Natives, with a view to their employment on the public works of the country, according to their several qualifications and the requirements of the service.

[2nd.] “ The Director of the Ganges Canal will be *ex-officio* Visitor of the College.

[3rd.] “ There will be three Departments in the College, in each of which will be a certain number of Stipendiary Students, for whom quarters will be provided.

[4th.] “ *First Department.*—Candidates for the appointment of Sub-Assistant Civil Engineer, as constituted by the orders of Government dated October 9th, 1845.

[5th.] “ Persons admitted into this Department must be under the age of 22. They must have previously acquired an ability to read and write with ease and accuracy in the English language, and a knowledge of Geometry, Algebra, Mensura-

"tion, Plane and Spherical Trigonometry, Conic Sections  
 "and Mechanics.

[6th.] "The number of Stipendiary Students in this Depart-  
 "ment is restricted to eight, who will be admitted only with  
 "the sanction of the Government.

[7th.] "Scholars from any of the Government Colleges, if  
 "properly qualified, may be transferred to this Department,  
 "receiving travelling allowance to Roorkee at the established  
 "rate. They will there receive, besides free quarters, an in-  
 "crease of one-fourth to their Scholarship allowance, to cover  
 "extra expences, or such increase as will make up their stipend  
 "to the amount of Rs. 40 per mensem. Properly qualified per-  
 "sons, not attached to any Government College, will receive  
 "monthly allowance of Rs. 40 in addition to free quarters.

[8th.] "Candidates for these stipends are desired to submit  
 "their applications to the Principal of the Roorkee College,  
 "accompanied with certificates of their proficiency in the above-

\* Superintending Engineer and Ex-  
 ecutive Officers in the Central and North  
 Western Provinces and Punjab Divi-  
 sions.

Superintending and Executive Officers  
 of Canals and Roads.

Principals of Agra, Delhi and Be-  
 nares Colleges.

"named subjects and of cha-  
 "racter from some one of the  
 "Officers noted in the margin.\*

"The Principal having satis-  
 "fied himself of their profici-  
 "ency in such manner as he

"may find to be best, will submit his recommendation to the  
 "Secretary to the Government, North Western Provinces.

[9th.] "*Second Department.*—European Non-Commission-  
 "ed Officers and Soldiers. They will be required, previous to  
 "their admission, to prove by examination, conducted in such  
 "manner as the Principal may find best, their proficiency in  
 "Reading, Writing and Arithmetic, Elementary Geometry,  
 "Mensuration, and Simple Plan Drawing. A certificate of  
 "character will also be required from the Commanding or Staff  
 "Officer of the Regiment, Troop, or Company to which they  
 "belong.

[10th.] "Their instruction at the College will be regulated  
 "with a view to their employment as Overseers in the Depart-  
 "ment of Public Works, to which they will, when qualified, be  
 "transferred, to meet the demands of the Service.

[11th.] "Their travelling charges to Roorkee will be paid. They will remain at the College on probation for six months, during which time they will receive, besides free quarters and their Regimental pay, the same advantages as with their Corps, or an equivalent in money. If approved at the end of this period, they will then receive the pay of an Assistant Overseer, and continue under instruction at the College, or be drafted off for the Public Service, as may be found advisable. During the time they remain at Roorkee, they will be under the command of the Officer who fills the post of Principal of the College.

[12th.] "Their number is not at present to exceed ten.

[13th.] "*Third Department.*—Native youths desirous of instruction in Surveying, Levelling and Plan Drawing. A fair acquaintance with Arithmetic in the Native form, and an ability to read and write Oordoo in the Persian character, will be the qualifications required for admission to this Department.

[14th.] "The number of Stipendiary Students in this Department will be limited to sixteen, who will receive a monthly allowance of Rs. 5 for maintenance, besides free quarters.

[15th.] "Properly qualified Candidates who are willing to come to Roorkee and support themselves there at their own cost, will be admitted into all the Departments so far as means may be available for their instruction. Should the number of such applicants be numerous, moderate fees will be hereafter demanded for admission to the benefits of the Institution. Instruction will for the present be gratuitous, and no payments will be demanded without previous notice of one year.

[16th.] "Students who have conducted themselves to the satisfaction of the Principal will, on leaving the College, be furnished with a Certificate of their character and qualifications.

[17th.] "Annual Examinations will be held, when all the Students attached to the College will be classed according to their proficiency. Prizes of Books, Mathematical Instruments, &c., will be given to the most deserving students."



17, The Establishment of the College was fixed on the following scale :

|                                            |                |
|--------------------------------------------|----------------|
| 1 Principal, Staff Salary, .....           | 600 0 0        |
| Do., House rent, .....                     | 50 0 0         |
| 1 Head Master, Salary, .....               | 300 0 0        |
| Do., House rent, .....                     | 50 0 0         |
| 1 Architectural Drawing Master, Salary, .. | 200 0 0        |
| 1 1st Native Teacher, .....                | 120 0 0        |
| 1 2nd ditto ditto, .....                   | 50 0 0         |
|                                            | <hr/> 1370 0 0 |

#### SCHOLARS' STIPENDS.

|                              |               |
|------------------------------|---------------|
| 8 @ 40 Rs. per mensem, ..... | 320 0 0       |
| 16 @ 5 Rs. per mensem, ..... | 80 0 0        |
|                              | <hr/> 400 0 0 |

#### GENERAL ESTABLISHMENT.

|                                                 |               |
|-------------------------------------------------|---------------|
| 2 Chuprassces, .... @ 5 Rs. per mensem,         | 10 0 0        |
| 3 Tindals (for surveying parties), .. @ 5 ,, ,, | 15 0 0        |
| 18 Khalasecs, for do., @ 4 ,, ,,                | 72 0 0        |
| 1 Bearer, .... @ 5 ,, ,,                        | 5 0 0         |
| 1 Chokcedar, .... @ 5 ,, ,,                     | 5 0 0         |
| 1 Sweeper, .... @ 4 ,, ,,                       | 4 0 0         |
|                                                 | <hr/> 111 0 0 |

#### FOR EUROPEAN BARRACKS.

|                               |              |
|-------------------------------|--------------|
| 1 Khidmutgar; .... @ 6, ..... | 6 0 0        |
| 2 Cooks, .... @ 6, .....      | 12 0 0       |
| 2 Dhobees, .... @ 6, .....    | 12 0 0       |
| 3 Bheestees, .... @ 5, .....  | 15 0 0       |
| 2 Sweepers, .... @ 4, .....   | 8 0 0        |
| 1 Choceedar, .... @ 5, .....  | 5 0 0        |
|                               | <hr/> 58 0 0 |

Total Co.'s Rs., 1939 0 0

18. On January 1st, 1848, the first pupils were enrolled, by the transfer to the Principal of a few native lads, who had been learning Levelling under Major W. E. Baker, Engineers, then Director of the Ganges Canal, but it was not till the middle of the year that the Establishment was completed, the

buildings erected and the classes opened. In August the number of men in the 2nd Department was complete, and they were all lodged in the Barracks, which had been constructed for them.

19. In the cold season of 1848-49, the second Punjab War broke out, and caused a temporary interruption of proceedings. The supply of Students to the 2nd Department was for the time stopped, and the Principal, Head Master, and Military Students marched to the Frontier, and were absent from Roorkee for a little more than two months. The restoration of peace on the annexation of the Punjab in March 1849 permitted the vigorous resumption of operations in the College.

20. Early in 1850, the number of Military Students was increased from 10 to 15, and the period of their stay at the College was prolonged to a year, the first six months being probationary. It was at the same time arranged that admissions to this Department should only take place at the commencement of each year.

21. In 1850, the number of Stipendiary Students in the 3rd Department was increased. In addition to the 16 hitherto on the Establishment drawing Rs. 5 a month, Senior Division of 8 was formed, each of whom was allowed 10 Rs. per mensem.

22. Up to July 1850, the expenses on account of buildings stood as follows:

|                                                                                        |        |    |    |
|----------------------------------------------------------------------------------------|--------|----|----|
| On account expense incurred in the construction of the College building, .....         | 20,952 | 15 | 8  |
| Principal's and Head Master's Bungalows and Out-houses, .....                          | 10,492 | 8  | 10 |
| Expenditure on account of furniture for the College, .....                             | 1,614  | 10 | 9  |
| Ditto on account of pucca well, .....                                                  | 579    | 7  | 1  |
| Ditto clearing, building sides, &c., .....                                             | 677    | 13 | 5  |
| Ditto constructing College Road and 2-arched drain bridges, .....                      | 553    | 1  | 1  |
| Ditto on account of sundry repairs from completion of work to October 31st, 1849, .... | 214    | 11 | 6  |
| On account of expense in digging wells in Principal's and Head Master's compound, .... | 191    | 14 | 1  |

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35,277 . 2 5

23. At the close of 1850, the erection was sanctioned of three Bungalows at a cost of Rs. 2,600 each, for the accommodation of non-Stipendiary Students. Each Bungalow was designed to accommodate two Students, and a rent of Rs. 12-8, from each Student, or of Rs. 25 for each Bungalow was to be demanded to cover the cost of the buildings.

24. On April 7th, 1851, the number of Students attached to the College was fifty, viz.

|                                        |    |
|----------------------------------------|----|
| 1st Department, .....                  | 3  |
| 2nd Department, .....                  | 16 |
| 3rd Department, Senior Division, ..... | 5  |
| Ditto, Junior Ditto, .. ....           | 16 |
| Non-Stipendiary, .....                 | 10 |
|                                        | —  |
| Total,                                 | 50 |

25. Up to that time, from the foundation of the College, 42 had left it for the Public Service, of whom there were:

|                         |    |
|-------------------------|----|
| 1st Department, .. .... | 2  |
| 2nd Department, .....   | 21 |
| 3rd Department, .....   | 18 |
| Non-Stipendiary, .....  | 1  |
|                         | —  |
| Total,                  | 42 |

26. The appointments they obtained were these:

- 1 Sub-Assistant Great Trigonometrical Survey.
- 1 Sub-Assistant Civil Engineer, (Ganges Canal).
- 21 Assistant Overseers (Canal, Road and Barrack Departments).
- 16 Native Surveyors and Levellers.
- 2 Draftsmen.
- 1 Superintendent of Roads (European Non-Stipendiary Student).

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42 Total.

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27. The present state of the College will be best understood from the following outline of Course of study for 1851.

## COURSE OF STUDY, 1851.

## FIRST DEPARTMENT.

Practical Trigonometry and Mensuration.

Mechanics.

Materials and their Application.

Strength of Materials and stability of Structures.

Construction.

Measuring and Estimating.

Outlines of Architecture.

Moving Powers and Machines.

Interior Communication.

Practical Hydraulics.

Principles of Geography and Geodesy.

*TEXT BOOKS.*

Weisbach's Mechanics of Machinery and Engineering.

Mahan's Civil Engineering.

Treatises on "Architecture," "Building," "Carpentry," from the *Encyclopædia Britannica*.

Tredgold's Carpentry.

Abbott on Bridges, and Cautley on Wall Foundations.

Wood on Rail Roads.

Weale's Rudimentary Volumes—"Foundations," "Roads," "Blasting and Quarrying."—"Drainage of Lands."

Hughes' Mathematical and Physical Geography.

Galbraith's Mathematical and Astronomical Tables.

## SECOND DEPARTMENT.

*TEXT BOOKS.*

Elliot's Practical Geometry and Mensuration.

Tate's Algebra.

Tate's Principles of Geometry, &c.

Hutton's Geometry.

Abbott on Bridges, and Cautley on Wall Foundations.

Civil Engineering College "Papers."

Weale's Rudimentary Volumes—"Mechanics," "Art of Building," "Blasting and Quarrying," "Foundations," "Roads," "Railways," "Drainage of Lands."

*HINDUSTANEE.*

Anglo Hindustanee Idiomatic Exercises.

Ram Surun Dass's Acchar Abhiyas and Phailawut.

Nukliat-i-Hindi.

Ballantyne's Interpreter.

*THIRD DEPARTMENT.*

*Junior Division.*

Practical Geometry.

Higher Arithmetic.

Mensuration.

Plane Geometry.

Algebra.

Plane Trigonometry.

*Senior Division.*

Conic Sections.

Mechanics and Hydrostatics.

Materials and Construction.

Measuring and Estimating.

Analytical Geometry.

Spherical Trigonometry.

Principles of Geography and Astronomy.

Outlines of Optics, Heat, Electricity.

*TEXT BOOKS.*

Adjoodhia Pershad's Practical Geometry.

Ilm-i-Hisab.

Mumlook Ali's Euclid.

Thomason's Ditto.

Elliot's Mensuration, (translated by Beharce Loll).

Ramchunder's Algebra.

Ramchunder's Trigonometry and Conic Sections.

Elements of Natural Philosophy, (translated by Adjoodhia Pershad and Dhurm Narain).

Webster's Hydrostatics.

Abbott on Bridges, and Cautley on Well Foundations, (translated by Munnoo Loll.)

Civil Engineering College Papers, (ditto ditto).

Hughes' Principles of Geography, (ditto ditto).

#### SURVEYING COURSE.

I.—Application of Practical Geometry in the Field.

II.—Surveying and Measuring.

1. Without instruments for observing Angles.

Chain measurements of Fields and calculation of Areas.

Preparation of Ground Plans from measurements of Buildings.

Laying down measurements of Buildings from Plans.

2. With instruments for observing Angles.

Prismatic Compass.

Protraction by Bearings.

Theodolite.

Protraction by Traverses.

Areas by Universal Theorem.

III.—Levelling.

Construction of Sections.

Contouring.

*Construction and Adjustment of Instruments.*

IV.—Laying out Lines, Curves, and Cuttings.

V.—Route Surveying and Field Sketching.

#### BOOKS OF REFERENCE.

Adam's Geometrical Essays.

William's Geodesy.

Gibson's Surveying.

Simms' Mathematical Instruments.

„ Drawing Instruments.

Boileau's Traverse Tables.

Simms' Field Engineer.

Bourn's Surveying.

Baker's Surveying.

3RD DEPARTMENT.

Ramsurn Dass' Map Tole.

„ Putwaree ki Kitab.

Hurdeo Singh's Land Surveying.

Settlement Misl.

OUTLINE OF DRAWING COURSE.

I.—Elementary.

Outline Pen Work.

Light and Shade.

II.—Simple Architectural Plans.

III.—Topographical Drawing.

Practice in Enlarging and Reducing.

IV.—Carpentry and Masonry Details.

V.—Engineering and Architectural Drawings.

VI.—Implements and Machinery.

A separate class once a week for Isometrical Projection, Perspective and Landscape Drawing.

28. It will thus be seen that though little more than three years have passed since the first opening of the College, and that though during part of that time the exigencies of the Public Service in the Punjab War caused a temporary suspension of operations, yet a considerable number of well-trained men have been furnished to the service of the State, and the Institution has obtained a standing and organization, which affords promise of much future usefulness.

29. Some idea may be formed of the estimation in which the College is held, by those who desire an education in Civil Engineering, from the fact that though five Students only have been admitted into the first Department of the College since its institution, there have been 17 applications for admission. In the 2nd Department, 41 have been hitherto admitted, but there have been 81 applications. The number of applications in the 3rd Department has been very great, but they have not been registered.

30. There has also been a great demand for men educated in the College, on the part of those who require the services of

such men. The Principal has been compelled to decline compliance with many applications made to him, from the absence of properly qualified Candidates, and he has been only able to comply with a few such applications, by sending out the most promising of his pupils before they had obtained that complete training, which it was desirable they should receive.

31. Those also who are best qualified to form an opinion respecting such an Institution, have expressed themselves favorably as to its efficiency. In the commencement of 1851, a Commission was appointed for enquiring into the superintendence and execution of Public Works in the Bengal Presidency. This Commission consisted of Major W. E. Baker, Bengal Engineers, Major J. P. Kennedy, formerly of the Royal Engineers, and Mr. C. Allen, of the Bengal Civil Service. The following passage occurs in their Report, dated March 5th 1851.

“The new College at Roorkee has already afforded valuable aid to the Department, and on its present footing is calculated to supply annually

|                              |                                        |
|------------------------------|----------------------------------------|
| “ 4 Sub-Assistant Engineers, | “ 6 Senior Native Agents or Surveyors, |
| “ 15 Assistant Overseers,    | “ 16 Junior ditto ditto.               |

“The course of instruction imparted to these men, and the opportunities they enjoy on the Ganges Canal Works, of forming a practical acquaintance with almost every description of Engineering duties, give promise of a high standard of qualification for the Public Service.

“To test the sufficiency of the Roorkee College as now limited, to supply the Department generally with European Overseers, a casualty list has been obtained from the Military Board.

“The average of vacancies for the last four years has been about 22 per annum, but the strength of the establishment is far below the wants of the Service, and should be increased. The proportion between the Senior and Junior Classes, which has been disturbed by the appointment of an unlimited number of Assistant Overseers, should also be restored. The following scale is recommended, and would not be found excessive.



|                              |     |
|------------------------------|-----|
| " Conductors, .....          | 15  |
| " Sub-Conductors, .....      | 20  |
| " Overseers, .....           | 65  |
| " Assistant Overseers, ..... | 200 |

---

Total, .... 300

" According to the present ratio of casualties, there would, under the proposed organization, be thirty-three vacancies per annum; but this might be slightly reduced, as 'dismissals' will be less frequent, as the preliminary qualification improves. The second Class in the Roorkee College might with advantage be doubled, and would then supply thirty Overseers per annum, which would probably suffice."

32. But during the short period that has elapsed since the foundation of the College, events have occurred, which occasion a greatly increased demand for the scientific skill which it is designed to produce, and therefore add to its importance as an instrument well calculated to supply the want.

33. Early in 1849, the second Punjab War was terminated by the annexation of the whole Territory, which remained to the Seikh Durbar, after the Treaty of 1846. A tract of country containing about 78,000 square miles, and immediately adjoining to the North-Western Provinces was then added to the British Empire in Hindustan. Throughout the whole of this Territory the work of improvement has been commenced with much energy.

34. Already plans are matured and in progress for the accurate survey of all this extensive area. The Trigonometrical Surveyor is easting his net work of triangles over its whole surface, and determining with mathematical precision the true site of every important point. The Revenue Surveyor is laying down the boundaries of every village, and determining the size and productiveness of every field. The Marine Surveyor is ascertaining the capacity of its rivers for navigation, and the means by which their beds may be enlarged and deepened.

35. The country is intersected by numerous large rivers which flows from north to south. The main lines of communication run east and west. Along those lines Military stores

must pass, and Troops must march from Hindustan to Peshawur. Along those lines the qafilahs must find their way from Cabul and Central Asia to Hindustan, and take back the manufactures of Great Britain, in return for the products of their own country. Difficult as it may be, roads must be constructed across the whole drainage of the country. Many and costly bridges must be built. The utmost exertions of science are necessary for the maintenance of the ordinary means of intercommunication.

36. These large and numerous rivers take their rise in the perpetual snow of the Himalayas, and pour never-failing streams of water over the dry and thirsty country which lies to the south. But in order that the water may fertilize the earth, it must be drawn from the deep beds of rivers, in which it naturally runs, and be led in artificial Canals along the high lands, whence it may be directed at pleasure, wherever it is most needed. Whilst the Punjab was still the battle field of the armies, which were struggling for the rich possession, an experienced Engineer, Lieutenant R. Baird Smith scanned the country with his practised eye, and called attention to the ease with which it might be brought under irrigation by Canals. His views were developed in a pamphlet published in 1849 on the "Agricultural Resources of the Punjab ; being a Memorandum on the application of the waste waters of the Punjab to purposes of irrigation." The Government was not slow in taking the hint, and already has a Canal been surveyed, lined out and commenced, which, at an expense of Rs. 50,00,000, is to spread the waters of the Ravee over the Baree Doab between the Beas and the Ravee.

37. Cantonments have to be formed, stations have to be laid out, Civil and Military Buildings of all descriptions have to be built. For these purposes expert designers, skilful architects, and clever artificers are urgently required.

38. It is hence apparent that both in the North-Western Provinces and in the Punjab, great national undertakings have been commenced, and are in progress, and that a large and a steady demand for all classes of Civil Engineers may be confidently anticipated. It is therefore necessary for the Govern-

ment carefully to consider how this exigency can best be met. In Roorkee College they have the germ of an Institution well fitted to supply the want, but it must be greatly enlarged to render it really efficient for the required purpose.

39. The College with its present establishment and present means of accommodation is barely adequate for the instruction of those who now resort to it. It is utterly inadequate, as at present constituted, to meet the exigencies of the occasion. If it is desired to enlarge its sphere of usefulness, very great additions must be made to it, and several other important objects, which do not fall within the scope of its present organization, may at the same time be advantageously accomplished.

40. The measures, which are now proposed for the further development of the scheme, which was contemplated in the first design of the Institution, may be thus enumerated.

FIRST.—The admission of Officers both of the Royal and East India Company's Armies to study at Roorkee College.

SECONDLY.—The improvement and superintendence of the Village Schools in a circle of 40 or 50 miles round Roorkee.

THIRDLY.—The establishment in connection with the College of a Depôt of Mathematical and Scientific Instruments, and of a Workshop for their manufacture and repair.

FOURTHLY.—The formation of a Museum of Economic Geology.

FIFTHLY.—The erection of an Observatory for Instruction.

SIXTHLY.—The maintenance of Metal and Stone Printing-presses, with a Book-binder's Establishment, and all that is necessary for the publication of Scientific Works, with appropriate drawings and illustrations.

SEVENTHLY.—The enlargement of the College building and Establishment to meet all these purposes.

Each of these measures requires to be separately noticed.

41. *First.* The admission of Officers of both the Royal and East India Company's Armies, to study at Roorkee College. It has been already stated that the Indian Army is one of the sources whence scientific agency is most easily supplied. Besides the Officers of the scientific Corps, properly so-called, there are in the Indian Army many well-informed and highly educated

men, who have much taste and capacity for Civil Engineering. It is only necessary that the persons possessed of this talent should be known, and that they should be provided with the means of improving themselves, and of perfecting their knowledge. It was on the suggestion of His Excellency Sir C. J. Napier, G. C. B., then Commander-in-Chief of the Indian Army, that the plan was brought forward, and it was by his assistance that it was matured. The scheme closely resembles that on which the Senior Department in the Royal Military College at Sandhurst has been formed.

42. The following are the Rules by which it is proposed to give effect to this measure.

### *RULES FOR THE ADMISSION OF OFFICERS TO ROORKEE COLLEGE.*

1. European Commissioned Officers of the Army under the rank of a Field Officer, will be permitted to study at the Civil Engineering College at Roorkee on the following terms.

2. The Candidate for admission must be qualified, by acquaintance with his Military duties, and by having passed the examination in the Vernacular Languages, to have charge of a Company.

3. His application is to be addressed through his Commanding Officer to the Principal of the College, who after satisfying himself that the Candidate is likely to profit by the course of study, will forward the application for the approval of His Excellency the Commander-in-Chief.

4. Admissions to the College will take place from the commencement of March to the end of June. Applications should be forwarded so as to permit of the Candidates, joining not later than June 30th, after leave formally granted in General Orders.

5. The duration of the first permission to study at the College, will be till November 1st of the same year, but if the progress of the Student is satisfactory, and his conduct otherwise exemplary, the Principal will be at liberty to forward his application to Head Quarters for permission to remain another year at the College. No Student will be allowed to remain longer than the November year after his first admission unless on special sanction granted under peculiar circumstances.

6. The Principal of the College may at any time recommend to His Excellency the Commander-in-Chief, that an Officer be remanded to his Regiment.

7. Officers studying at Roorkee under these Rules will be required to pay Rs. 10 a month to the College Library Fund.

8. Officers who obtain permission to study at Roorkee College will be considered "absent on duty," and will be so reported in the Regimental Returns.

43. These Rules have been approved by the Most Noble the Governor General, and have been recommended for sanction to the Hon'ble the Court of Directors.

44. *Secondly.* The superintendence and improvement of the Village Schools within a circle of 40 or 50 miles round Roorkee. The preceding measure is intended to provide the highest class of educated scientific men for the design and superintendence of public works. This is calculated to raise up a cheap and effective subordinate agency. In the neighbourhood of Roorkee there are some large and thriving native towns, amongst which may be mentioned, Kunkhul, Jowallahpoor, Munglour and Deobund. In some of these towns handicrafts have long been practised, and in all of them the proximity of the Gauges Canal Works has stirred up a spirit of industry and enterprise. The object of the Government must be to stimulate this spirit and to give it a right direction.

45. The pupils in the 3rd Department of the College, who study science through the medium of the vernacular languages are drawn from the class of the people, whose condition it is intended by this measure to improve. In fact, it was from observing that several of the native students came from villages in the neighbourhood, that the idea of this scheme of operations arose. It is intended to proceed on the plan at present pursued in some of the Districts in the North-Western Provinces, under the Resolution of February 9th, 1850. The plan is to have a few model Village Schools and an establishment of Visitors, whose duty it will be to go round the villages in the tract assigned to them, examining the state of the Indigenous Schools, and advising and assisting the School Masters by instruction, books, and rewards.

46. A commencement has already been made in this work. Two Pergunnah Visitors have been appointed for the last few months, and their researches afford abundant proof of the low state of education at present, and of the great readiness of the people to receive instruction.

47. If an agency were organized in the district of Saharunpoor, similar to that employed in the other Districts under the Resolution of February 9th, 1850, the cost would be

|                             |                                       |       |
|-----------------------------|---------------------------------------|-------|
| 1                           | Zillah Visitor, . . . . .             | 150   |
| 4                           | Pergunnah Visitors, @ 30, . . . . .   | 120   |
| 4                           | Tehseeldaree Schools, @ 15, . . . . . | 60    |
|                             |                                       | <hr/> |
| Total per mensem, . . . . . |                                       | 330   |
|                             |                                       | <hr/> |
| Or per annum, . . . , . . . |                                       | 3960  |
| Add for Prizes, . . . . .   |                                       | 500   |
|                             |                                       | <hr/> |
| Total per annum, . . . . .  |                                       | 4460  |
|                             |                                       | <hr/> |

48. *Thirdly.* The formation of a dépôt for the safe custody, and of a workshop for the manufacture and repair, of Mathematical Instruments. When scientific agents have been trained and are ready for work, it is evident that they must be adequately furnished with instruments. Many of these instruments must be obtained from England, some can be manufactured in this country. All are liable to derangement, and will require occasional repair. This involves the maintenance of a dépôt for the safe custody of a sufficient store of instruments, and also of a workshop for their manufacture and repair. These should be placed in the immediate vicinity of each other, where appropriate Superintendents and artificers can be found, and as near as may be possible to the place where they will be used. All these conditions are to be found at Roorkee. The dépôt can be formed in the College, where the instruments will be well cared for, and open to the constant inspection of the Students. The workshop will be in the Ganges Canal Yard, close to the College, where are now to be found a large store of material, abundance of clever workmen, and all the appliances necessary for the

rougher parts of the work. To these it will only be necessary to add a few artificers of the highest order, machines and instruments for the execution of the finer parts of the work, and a small Office establishment.

49. Roorkee is not only itself the Head Quarters of the establishment on one of the greatest Engineering works of the day, but it is also centrically situated with respect to other works. It easily communicates with Calcutta, it has Rohilcund and its works on one side, the Jumna with its Canals on the other, Delhra Dhoon and Mussoorie immediately to the north; it is more accessible from the Punjab than any other place, where such an institution now exists, or is likely to be formed. Much stress may also be laid on the advantage the Students of the College will derive from being able at any time to see the mode in which instruments are constructed, and to become acquainted with the capabilities of the country both for the manufacture and repair of instruments. They will in their future course know what instruments will be best suited for their purposes, and how and where they can be obtained.

50. One most interesting and useful branch of the workshop will consist in the invention and manufacture of cheap substitutes for expensive instruments. The natives of the country are generally poor, and can ill afford to purchase costly articles, but simple instruments, adequate for all ordinary purposes, can be easily made up at a small price, so as to be within the reach of their means. Surveying compasses, plane tables, levelling instruments, and protractors, can all be furnished at a trifling cost, and can be sufficiently well constructed to answer all the ordinary purposes of village life.

51. Lieutenant A. Allen, 55th N. I. Engineer of the Ganges Canal Workshop, has already made a most successful commencement in the organization of an establishment of the contemplated kind. He has been able to repair in a superior style instruments which had been accidentally injured, and he has constructed at a very trifling cost many ingenious substitutes for the more costly instruments. The capacity of the workmen, and the feasibility of the scheme, have been proved. The means of effectually working it out are alone required.

52. If the scheme be fully carried out, the following are the establishments necessary for its organization :—

|                     |           |             |
|---------------------|-----------|-------------|
| Depôt, . . . . .    | 216       | per mensem. |
| Workshop, . . . . . | 658       | „ „         |
| <hr/>               |           |             |
|                     | 874       | per mensem. |
|                     | or 10,488 | per annum.  |

53. It may be added that this project has obtained the warm support of the Military Board, of the Surveyor General of India, of the Deputy Surveyor General, and of Lieutenant-Colonel Cantley, and that its adoption has been strongly recommended by the Most Noble the Governor-General of India, to the Honorable Court of Directors.

54. *Fourthly.* The formation of a Museum of Economic Geology. The importance of a good Museum of this kind to Students in Civil Engineering is too obvious to need much comment. Here they will find specimens of building material from all parts of the country. Building stones, clays for bricks or potteries, limestones, materials for metalling roads, &c., may all be arranged here according to the localities in which they are found, or their adaptation to the uses for which they are designed. Here also the Students may learn in what positions, the substances of which they are in search may probably be found, or by what indications their search for certain substances may be directed. Some collection of this kind which should be as it were an Index of the mineral resources of the country in which the Students will be employed, is almost a necessary appendage to the Institution. The maintenance of the Museum will involve but little expense, beyond the building necessary for its reception, unless hereafter it attain to a size and importance which it is unnecessary as present to contemplate. Room has been assigned for the Museum in the proposed additions to the College buildings.

55. *Fifthly.* The erection of an Observatory for Instruction. This will be of great use in familiarizing the Students with the use of Astronomical and Meteorological Instruments, and in teaching them how to conduct the ordinary observations in Astronomy



and Meteorology. The importance of good training in the former science, for all those destined for employment in the Survey Department, is evident. The observations in Meteorology which have lately been conducted with so much care, and at a large expense, in the Magnetic Observatory at Simla, and in many other similar Observatories, which have been established at different places on the surface of the earth, show what great importance is now attached to the cultivation of that science. This Observatory when once established will cost little in its maintenance. The charge will consist in the expense of the building and of the Instruments. The Observatory will be detached from the College, and is estimated to cost Rs. 2,500; the Instruments need not be of great value, and it is probable that many can be supplied from the Trigonometrical Survey, and from the Simla Magnetic Observatory. The sum of Rs. 6,000 may be supposed sufficient to meet this charge for Instruments.

56. *Sixthly.* The maintenance of Metal and Stone Printing-presses, with a Book-binder's Establishment, and all that is necessary for the publication of Scientific Works, with appropriate drawings and illustrations. It is impossible to attach too much importance to this branch of the project. Civil Engineers in India conduct their operations over a large extent of country. They work often alone, tied down to particular spots, and debarred from those rapid means of communication, which would enable them freely to interchange their ideas with others, and add to the value of their own labours by the experience of their fellow workmen in other parts of the country. Printing and publication are the best means by which the profession can be made acquainted with what is doing beyond their own sphere, the mode in which it is done, and the cost at which it is accomplished.

57. Again, works of instruction are much wanted, both in English, suited to the peculiarities of the country, and in the Native languages, embracing the very rudiments of the science. Already has a most important commencement been made in this branch of operations. Treatises have been drawn up and published both in English and Oordoo, on some of the most important processes of Engineering or Architecture in this

country, and many Translations into Oordoo of the most useful and popular English works on the science are now in hand.

58. But the establishment must be complete in all its branches. Lithography affords facilities for the multiplication of Diagrams, of Plans, and of Maps. Wood-cutting will probably be attempted for the greater facility of showing Diagrams in the midst of letter-press. Book-binding is necessary for the preservation of the works which may be printed. All these appliances must be provided on the spot, so that the work may proceed without interruption.

59. A commencement has already been made in this Department. The Printing presses which were attached to the Simlah Magnetic Establishment have been transferred to Roorkee College, with an Establishment costing Rs. 268 per mensem. Lithographic Presses and Stones are now being procured, and the

|                             |          |                                |
|-----------------------------|----------|--------------------------------|
| General Superintendence,... | 365 Rs.  | whole Department when fully    |
| Typographic Department,     | 462 „    | established at Roorkee will    |
| Lithographic Ditto, .....   | 310 „    | involve a monthly charge of    |
| Book-binding, .....         | 179 „    | Rs. 1,346. A building suffi-   |
| per mensem, .....           | 1346 Rs. | cient for the present require- |
| or per annum, ...           | 16152 „  | ments of the Press, which will |

form part of the new proposed College Edifice, is now nearly completed. The cost of this will be included in the estimated charge for the new College building which is given hereafter.

60. *Seventhly.* The enlargement of the College building and Establishment to meet all the above purposes. A fine design for the new College has been furnished by Lieutenant G. Price, 1st Bengal E. F., an Assistant Engineer in the 1st Division of the Ganges Canal Works. The estimate for this building is Rs. 86,500, to which must be added Rs. 5000, for book-shelves and furniture, making in all Rs. 91,500. The arrangement and the various purposes to which the different parts of the building are to be appropriated will be learned by a reference to the plan, where the shaded part on the right hand side of the main building shows the site and extent of the present College.

61. The number of Scholars in the first Department need not be increased ; for the number of persons, who can reach the high standard required for admission, is never likely to be large.

The Military Students of the 2nd Department, ought certainly to be doubled, as has been recommended by the Commission on Public Works (*vide* para. 31). The number of Stipendiary Students in both Divisions of the 3rd Department may also well be doubled, as the demand for such men is great.

62. It will be necessary to provide additional Bungalows for the Officers of the Army, who may resort to Roorkee, for the purposes of study; but as the expense of these buildings will be covered by the rent, which the occupants will be required to pay, no separate account of the charge need be taken. Barracks, however, must be provided for the additional number of Military Students in the 2nd Department, and as Roorkee is itself an inconsiderable village, suitable accommodation must be found for the Scholars in the 3rd Department, and for other Natives, who may of their own accord resort to the College for the purposes of study and instruction. The cost will be:—

For the barracks and furniture, ..... Rs. 13,740

For the Native houses, ..... „ 7,200

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Total Rs. 20,940

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63. The present Establishment of Teachers is inadequate for the instruction of more than the present number of Students. If the number of Students is increased, the number of Teachers must be so likewise. It may be assumed, that excluding the Principal, the greatest part of the establishment must be doubled. The present establishment is somewhat increased from what is shown in para. 17 as that which was sanctioned on the first formation of the College. It may now be stated thus:

|                                               |     |     |
|-----------------------------------------------|-----|-----|
| Principal (Staff Salary), .....               | Rs. | 600 |
| Under Masters, .....                          | „   | 670 |
| 8 Scholars in the 1st Department @ 40, .....  | „   | 320 |
| 8 Ditto 1st Division, 3rd Department @ 10, .. | „   | 80  |
| 16 Ditto 2nd Division, 3rd Department @ 5, .. | „   | 80  |
| Writers, Servants, &c., .....                 | „   | 185 |
| Servants for 2nd Department, .....            | „   | 74  |

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Per mensem, 2,009

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No allowance need be made for the increased expense, consequent on the proposed increase of Students in the 2nd Department to double the present amount, beyond that which is necessary for servants, under which head are included Cooks, Washermen, &c. The charge then on the proposed enlarged scale would stand thus:—

|                                               |         |
|-----------------------------------------------|---------|
| Principal, (Staff Salary,) .....              | Rs. 600 |
| Under Masters, .....                          | „ 1,340 |
| 8 Scholars in first Department @ 40, ... ..   | „ 320   |
| 16 Ditto 1st Division, 3rd Department @ 10,.. | „ 160   |
| 32 Ditto 2nd Division, 3rd Department @ 5,..  | „ 160   |
| Writers, Servants, &c., .....                 | „ 370   |
| Servants, &c. for 2nd Department,.. ..        | „ 148   |
| <hr/>                                         |         |
| Total per mensem,                             | 3,098   |
| <hr/>                                         |         |
| Or per annum,                                 | 37,176  |
| <hr/>                                         |         |

64. It remains now to collect together the several items of charge, and to show what will be the total expense to the Government of the scheme now proposed. The original cost of the buildings, furniture, &c., may be thus stated:—

|                                                                                                                           |            |
|---------------------------------------------------------------------------------------------------------------------------|------------|
| Buildings already erected as given, (in para. 22), ..                                                                     | Rs. 35,277 |
| Estimated cost of new College, including dépôt for<br>Instruments, Museum, Printing-presses, &c., (v.<br>para. 60), ..... | „ 91,500   |
| Observatory building and Instruments, (v. para. 55), ..                                                                   | „ 8,500    |
| Barracks and Accommodation for the 2nd and 3rd<br>Departments, (v. para. 62), .....                                       | „ 20,940   |
| <hr/>                                                                                                                     |            |
|                                                                                                                           | 156,217    |
| <hr/>                                                                                                                     |            |

65. The above original outlay may be represented by an annual charge of 10 per cent. to cover interest and repairs. The annual charge will then stand thus:—

|                                                               |        |
|---------------------------------------------------------------|--------|
| Ten per cent. on original outlay for interest and repair, Rs. | 15,622 |
| College Establishment, (v. para. 63) per annum, .. „          | 37,176 |
| Dépôt for Instruments and Workshop, (v. para. 52), „          | 10,488 |
| Press Establishment, (v. para. 59), .....                     | 16,152 |
| Village Schools and Inspectors, (v. para. 47), .... „         | 4,460  |
| Probable Contingencies, including Books for Library, „        | 6,000  |
|                                                               | <hr/>  |
| Total per annum, „                                            | 89,898 |
|                                                               | <hr/>  |

|                          | <i>Land Revenue.</i> | <i>Revenue from<br/>other<br/>Sources.</i> | <i>Total.</i>   |
|--------------------------|----------------------|--------------------------------------------|-----------------|
| North-Western Provinces, | Rs. 4,46,15,335      | Rs. 1,23,72,630                            | Rs. 5,69,87,965 |
| Punjab and Dependencies, | Rs. 1,46,51,090      | Rs. 48,38,590                              | Rs. 1,94,89,680 |
| Total, . . .             | Rs. 5,92,66,425      | Rs. 1,72,11,220                            | Rs. 7,64,77,645 |

68. A private proprietor or landlord, when he counted the cost of a measure, which was calculated to exercise a material influence on the value of his property, would look not to its actual amount, but to the proportion which it bore to the property affected. If the British Government were to argue thus, it would find that this attempt to train up an agency, necessary for the preservation and improvement of the country, would cost only 1-7th per cent. of the annual income derived directly from the land. It would be equivalent to asking the owner of an estate in England worth £10,000 per annum, to expend less than £15 in instructing some of his tenantry how to thorough drain his lands, when he could not otherwise procure skilful men for the work.

69. But the case is much stronger than this. The Government has embarked with all the energies it can command in the noble work of improving the condition of the people and developing the resources of the country. It has made a commencement, from which it is impossible to draw back, without damage to the national character, and without the sacrifice both of income and of power. Public buildings once made must be kept in repair, and increased to meet the wants of a rapidly augmenting population. Roads once constructed must be maintained and extended as new markets open. Canals which have been once excavated must be kept efficient, lest a people fed by artificial means should be exposed to the horrors of artificial famine. When landed property has once been made to rest on the basis of an accurate and scientific Survey, the means must be provided of appealing to the record of the Survey, and repeating its operations. It is not easy to estimate with any exactness the amounts which will be annually expended on these objects. But a minimum sum may be assumed. Supposing

the progress of further improvement to be stayed, and that the Government were to content itself with doing nothing more than it has already determined to do, the probable annual outlay on public works, for which engineering skill would be required in the North-Western Provinces and the Punjab, may be stated as follows for some years to come:—

|                                                       |               |
|-------------------------------------------------------|---------------|
| Civil and Military buildings in the North Western     |               |
| Provinces, (amount in 1849-50), .....                 | Rs. 10,00,000 |
| Surplus Ferry Funds, (v. para. 7), .....              | „ 2,00,000    |
| One per cent. Road Fund, (v. para. 7), .....          | „ 4,00,000    |
| Surveys, (including Grand Trigonometrical Survey), .. | „ 2,00,000    |
| Grand Trunk, Deccan and Agra and Bombay Roads, ..     | „ 2,50,000    |
| Existing Canals, Jumna, Dhoon, Rohileund, Nuj-        |               |
| jufgurh, .....                                        | „ 2,50,000    |
| Probable annual expense of the Ganges Canal, ..       | „ 5,00,000    |
| Public Works in the Punjab (say), .....               | „ 10,00,000   |
| Civil and Military buildings in the Punjab, (say), .. | „ 20,00,000   |
| <hr/>                                                 |               |
| Total, .. Rs. 58,00,000                               |               |

70. The problem then for the Government to solve is, how they can most economically manage this large expenditure. Many Civil Engineers, artificers and labourers must be employed in the disbursement. Whatever will increase the science, skill, and character of these agents will cause a material saving in the expenditure. Whatever tends to multiply the number of well-qualified agents will facilitate the operations, and cheapen the supply. It cannot be an unthrifty course which appropriates less than one and a half per cent. of the whole estimated minimum expenditure, to training up an efficient agency and sending them forth with all the appliances which may make them intelligent and trustworthy servants of the State.

71. But the public expenditure on works of this class will certainly be much greater than has been assumed above. There are many schemes awaiting only the funds and the agency for their execution. In all these vast and rich countries, not a sod has yet been turned for a rail-road. Canal irrigation even in the older provinces is but yet in its earliest infancy. There are

50,000 villages in the districts lying near the Ganges and Jumna, from Allahabad westward, and not more than 2,000 of these obtain water for artificial irrigation from Government works. The generality of the roads are very imperfect, and no bridge of any large dimensions has yet been constructed. The day cannot be far distant when the Jumna at Agra and at Delhi will be crossed by permanent instead of floating bridges. The swamps of the Rohilkund Terai must be perfectly drained, and the copious streams brought down to fertilize the drier but rich lands that lie to the south of the Terai. The waters of the Sirsooty and Cuggur and Sutlej must be made to fertilize the arid tract lying to the East and South of the last named river. The Dehra Dhoon must be turned into what there is every prospect of its eventually becoming, an extensive tea garden. Lieutenant Baird Smith has sufficiently set forth "the Agricultural Resources of the Punjab." All these are paying and remunerating undertakings, the value of which will be more and more acknowledged as each year passes. They are the future triumphs of the period of peace, which we may hope has now commenced. All members of the Government\* have shown themselves anxious to enter upon this course of improvement. No time should be lost in making ready for the effort, and in preparing the means and appliances which must be in existence to allow of its being put forth.

72. Whether therefore we look to the improvement of the moral and social condition of the people, or to the material interests of the country, and whether we regard the disbursement in its relations to the value of the property, which is to be

\* Lieutenant Colonel Sykes in a paper read before the Statistical Society of London on March 18th, 1850, no doubt speaks the sentiments of the body, of which he is a member. "On the whole, although less may have been spent upon public works than India, with its area, population and revenue, might fairly demand, and *the governing bodies certainly desired*; yet considering the untoward, although successful wars, and the consequent necessity for an annual increase to the public debt, a good deal has nevertheless been done with borrowed money; and the time is fast approaching when continued peace will leave a surplus revenue to be annually devoted to the extension of lines of communication whether canal, rail, or road, and to other purposes for the further development of the acknowledged resources of India."



improved, or to the extent of the operations which are now actually in progress, or which in all probability will shortly be undertaken, there are ample grounds to warrant the proposed expenditure of Rs. 83,898 per annum upon a College for Civil Engineers at Roorkee.

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### SUPPLEMENTARY NOTE.

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The Hon'ble the Court of Directors in a Despatch, in the Public Department, No. 23, dated June 2nd 1852, have accorded their sanction to the plan thus submitted for their consideration. Measures are now in progress for giving effect to the scheme.

W. MUIR,

*Secy. to the Govt. of Agra.*

*Agra, the 2nd August, 1852.*

# DRAFT OF A REVENUE CODE.

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# INDEX TO THE REVENUE CODE.

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# DRAFT

OF A

# REVENUE CODE.

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## CHAPTER I.

This chapter will contain a repeal of existing Regulations and Acts, regarding the administration of the Land Revenue system, and a specification of the Territories, within which this Act will have operation, and of the time when it will come into operation.

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## CHAPTER II.

### INTRODUCTORY.

By the term "the Government" is meant the person or persons having the chief executive authority in the Territories, in which this Act is in operation.

The rents of land consist of the consideration in kind, or in money, or in any or all of these, which is received for the right to cultivate or otherwise occupy land, and also of the profits arising from the employment of unoccupied land, and from the disposal of the spontaneous products of the land or water above or below the surface.

The entire rents derivable from certain portions of land with known boundaries, or the rents derivable from certain specified sources within known limits, are called Mehals.

The consideration received by the Government, or by some person standing in the place of the Government, for the possession of a Mehal, or part of a Mehal, is called Land Revenue.

A person who possesses a Mehal or part of a Mehal, and pays Land Revenue for it, is called a Malgoozar. If he pays the Land Revenue himself and not through another Malgoozar, he

is called a Sudder Malgoozar. The Mehal, for which he pays the Land Revenue, is said to be held by him solely, or jointly with others. When the Mehal consists of the entire rents derivable from the land, he is also said to hold the land from which the rents are derived.

The right to possess a Mehal or part of a Mehal, and to pay the Land Revenue for it, is called the Malgoozarce right.

A proprietor is a person entitled to the Malgoozarce right of a Mehal or part of a Mehal. Of this right he can only be debarred by the operation of the law.

By the term "the proprietors of a Mehal," is meant all the proprietors, when there may be more than one.

A settlement is the determination of the amount of Revenue to be paid by the proprietor of a Mehal for a year, or annually for a term of years, or in perpetuity, and the consequent delivery of the Mehal to the proprietor for the period for which the settlement lasts. The Mehal so held by the proprietor is called a settled Mehal.

A Farmer is a person other than the proprietor, who by the operation of the law becomes possessed of the Malgoozarce right of a Mehal or of part of a Mehal, to the exclusion of the proprietor, for a specified period of time. By the term "the Farmer of a Mehal" is meant all the Farmers, when there may be more than one. The person who becomes security for the due fulfilment by the Farmer of his agreement, is called his Surety.

A Farm is the determination of the amount of Revenue, which is to be paid by the Farmer during the period for which he is to be possessed of the Malgoozarce right, and the consequent delivery of the Mehal to him, for that period. A Mehal so held by the Farmer is called a farmed Mehal. Mehals of which the Government is the sole proprietor are called Khas Mehals.

A Mehal, from the possession of which the proprietor is temporarily excluded, and of which the rents are collected by the Government, is called a Kham Mehal and is said to be held Kham.

The occupant of land is the person responsible for the payment of the rent of the land to the Malgoozar. The right so to occupy land is called the right of occupancy.

Mehals from which the Government receives the rents are Land Revenue are called Khalisah Mehals.

Mehals of which the Land Revenue has been alienated by the Government are called Lakeraj Mehals. The persons in whose favour the alienation is made, are called Lakherajdars. By the term "The Lakherajdar of a Mehal," is meant all the Lakherajdars where there may be more than one Lakherajdar.

The Government has the right over all streams of water flowing in natural channels: It is in the power of the Government to make such arrangements as it thinks fit for the control and distribution of such running water, provided that just compensation is given to those who have obtained a prescriptive right to its use, and are debarred from further use by the act of the Government.

The agricultural year is the year which commences on July 1st of the Calendar year, and terminates on June 30th of the following Calendar year.

A Mouzah or Township is a parcel or parcels of land, having fixed limits, and a separate name in the Land Revenue Records.

A field is a portion of a Mouzah, being a parcel of culturable or cultivated land, lying in one spot, and occupied under one title, by one person, or jointly by several persons.

A Pergunnah is a tract of land having a separate name in the Land Revenue records, and comprising within its limits a number of Mouzahs, or a certain portion of unoccupied land, or both.

The whole or part of one or more Pergunnahs, constitutes the jurisdiction of a Tehseeldar, and is called a Tehseeldarec.

Several Pergunnahs or Tehseeldarries constitute the jurisdiction of a Collector, and are called a District.

Several Districts constitute the jurisdiction of a Commissioner and are called a Division.

By Dewanny Courts are meant the regular Courts established by the laws solely for the administration of Civil Justice.



## CHAPTER III.

## OF PROPRIETARY RIGHTS IN LAND.

Proprietary right in a Mehal is heritable and transferable, according to the will of the proprietor and the law of the land. When there is only one proprietor of a Mehal, he is called a sole proprietor, and the Mehal is called a simple Mehal.

When there is more than one proprietor of a Mehal, the Mehal is called a compound Mehal. The portion of the Mehal possessed by each proprietor is called his property.

Compound Mehals, are either coparcenary or Talukdarees.

In coparcenary Mehals the properties are of the same kind, but attach or are referrible to *different portions of the land*. In their relations with each other, the proprietors are called coparceners.

When a coparcenary Mehal is held jointly, so that the properties consist of certain aliquot portions of the whole rents of the Mehal, the Mehal is called Zemindaree. Each of the properties is called a share of the Mehal.

When a coparcenary Mehal is held separately, so that the properties consist of the rents derived from separate *portions of the land, which constitute the Mehal*, then the Mehal is called Putteedaree, each separate property is called a Puttee. The Puttees are sometimes formed into two or more groups called Thokes.

When a coparcenary Mehal is held in part jointly and in part separately, so that the properties consist of certain aliquot portions of the rents of the part held jointly and of the rents derived from certain portions of the part held separately, then the Mehal is called imperfect Putteedaree. The properties are called shares or Puttees, according as the joint or the separate feature predominates in the Mehal.

In Putteedaree or imperfect Putteedaree Mehals, the extent of the Puttee may be determined by the aliquot share of the whole Mehal, possessed by the proprietor of each Puttee; or the right in the whole Mehal possessed by the proprietor may depend on the extent of the Puttee. In the former case the Mehal is

said to be held according to shares, and in the latter case according to lands.

In Putteedaree and imperfect Putteedaree Mehals, any Puttee may be held by several proprietors, either jointly or separately or in part jointly and in part separately and the Puttees forming any Thoke may be held according to shares or according to lands. Such Mehals are called mixed coparcenary Mehals.

In Talookdaree Mehals, the properties are of different kinds but attach to the same land, some being superior and others inferior. In their relations with each other the superior proprietors are called Talookdars, and the inferior Biswahdars.

There may be several grades of properties in the same Mehal, one body of Biswahdars having other Biswahdars holding properties inferior to their own.

Biswahdaree rights may exist only in a portion of a compound Mehal.

When there is more than one Talookdar, or more than one Biswahdar in a Mehal, the Talookdars amongst themselves or the Biswahdars amongst themselves may each constitute a coparcenary body, by whom that portion of the Mehal which belongs to them is held, according to one or other of the customs prevalent in coparcenary Mehals. Such Mehals are called mixed compound Mehals.

Unoccupied lands in a compound Mehal may be occupied at the discretion of the proprietors according to the custom of the Mehal.

When a proprietor is himself the occupant of lands in the Mehal, in which his property lies, his right of occupancy is distinct from his proprietary right. But when the lands which he occupies are held solely or separately by himself, then the occupancy is a right attaching to his property, and may be sold with it or without it though not constituting part of the Mehal.

In a Lakhiraj Mehal, the Lakhirajdar is only entitled as such to whatever the Government would have derived from the Mehal, if it had been khalisah. If there are one or more persons possessing proprietary rights in the Mehal, the Government is bound to recognize those rights, and to protect them to the extent

in which they exist, either in forming a settlement with the proprietors on the part of the Lakhirajdar, or by determining a just equivalent in money or in land, which the proprietors are to receive or possess in commutation of their proprietary right.

When there is more than one Lakhirajdar of a Lakhiraj Mehal, their rights will be similar to those of coparceners in a coparcenary Mehal.

In a Lakhiraj Mehal, if a settlement on behalf of the Lakhirajdar be made with the proprietors of the Mehal, the rights of those proprietors will be similar to those of proprietors in khali-sah Mehals.

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## CHAPTER IV.

### ON THE RIGHTS OF FARMERS.

The right of a farmer is not heritable or transferable. A farmer cannot relinquish a Mehal, during the period of his lease, without the consent of the Government.

If there are two or more joint farmers of a Mehal; and one of the number demise during the currency of the farm, the survivors are farmers of the whole Mehal.

A farmer is liable, in his person, and in the whole of his property real and personal, for the whole of the land Revenue due for the Mehal. The surety of the farmer is liable in the same manner and to the same extent as the farmer himself.

A farm terminates by expiration of the lease, or by demise of the farmer of the Mehal, or by declaration of forfeiture on failure to pay the Revenue, or in consequence of the insolvency of the surety.

A farmer, during the currency of the farm, stands in the place of the proprietor, and is competent to perform all actions, necessary for the management of the Mehal, which a proprietor can perform; but the proprietor on regaining possession of the Mehal, is not bound by any of the engagements of the farmer which are contrary to the custom of the Mehal or the usage of the Pergunnah.

A farmer, who has injured or deteriorated a Mehal, during the currency of the farm, is liable to an action for damages on the suit of the Government or the proprietor.

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## CHAPTER V.

### OF RIGHTS OF OCCUPANCY OF THE LAND.

Occupants of the land are occupants by contract with a Malgoozar, or by prescription, or at will.

Occupants by contract with a Malgoozar, are entitled to all the privileges of their contract, and are bound by its conditions for the period specified in the contract, or so long as the conditions in the contract are fulfilled and the Malgoozar, or his heir or assignee, remains in possession of the Mehal.

A Malgoozar cannot give a title of occupancy by contract for more land than he holds separately in a Mehal. The contract for the occupancy of land held jointly must be given by all the Malgoozars.

An occupant by contract may be entitled under the terms of the contract, to collect the rents from other occupants. In this case he stands towards them in the place of the Malgoozar and is bound to respect all their rights.

The rights of all occupants by contract terminate on the expiration of the period for which a settlement or farm was made, or on the exclusion of the Malgoozar from possession of the Mehal by the Government for default.

Occupants by prescription are those who have an inherent right to occupy certain lands either at a fixed rate of rent, or a rent varying according to the usage of the Pergunnah. This right is heritable, and cannot be infringed by the Malgoozar, so long as the occupant by prescription continues to pay the rent of his land as it falls due.

Occupants by prescription cannot free themselves from the responsibility attaching to them for payment of rent to the Malgoozar, otherwise than by the surrender to him of their right of occupancy. The right therefore is not transferable without the consent of the Malgoozar, nor can the land be mortgaged or

sub-let by the occupant without the consent of the Malgoozar, so as to relieve the occupant from responsibility for the rent. The entry of the name of the transferee in the village records on the application of the occupant, and the consequent reception of rent by the Malgoozar from the transferee, knowing him to be such, shall be considered sanction on the part of the Malgoozar to the transfer. The transferee shall then be considered possessed of all the rights of the original occupant.

An occupant by prescription is permitted, at any time before the commencement of the agricultural year, to surrender to the Malgoozar the whole, or any portion, of the land which he occupies. Such surrender of a part does not weaken his right to the continued occupation of the rest on the same terms as before.

A Malgoozar who considers that an occupant by prescription pays less rent than is fairly due from the land according to the Pergunnah usage, is competent to sue for increase of the rate of rent, provided that any time before the commencement of the agricultural year, he gives notice to the occupant of the rent which he intends to demand in the following year. This notice must be dated and attested by two credible witnesses, and a copy must be lodged before the commencement of the agricultural year, with the Putwarree of the Mehal, and with the Tehseeldar of the Pergunnah or the Collector of the district.

Occupants at will are entitled to occupy the land only till the expiration of the agricultural year. At the close of the agricultural year the right of occupancy ceases, and the land is then at the disposal of the Malgoozar, unless there be then on the ground a crop, which the occupant had sown without opposition from the Malgoozar. In that case the occupant is entitled to occupy the land till the crop be removed.

Uninterrupted occupancy at will for 12 years at the Pergunnah rates, or at less than the Pergunnah rates, becomes occupancy by prescription.

Leases of land granted for a period by Malgoozars to occupants by prescription, do not necessarily alter the right of occupation possessed by the lessee. On expiration of the lease, the inherent right of occupancy revives, unless it be specially surrendered.

The occupants of service lands are entitled to the occupancy of the land, so long as they render the service for which the land is occupied. On the cessation of the service the right of occupancy ceases, and the occupant is liable to be ejected at the close of the agricultural year, he being compelled to account to his successor for the rent of the land for the portion of the year subsequent to the cessation of his service.

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## CHAPTER VI.

### OF THE OFFICERS OF THE GOVERNMENT, EMPLOYED IN THE MANAGEMENT OF THE LAND REVENUE.

The Board of Revenue consists of such number of Members as the Government may see fit to appoint and of a Secretary.

The Board under the direction of the Government superintend the administration of the Land Revenue system, and exercise control over all other Officers in the Revenue Department. The Board are competent to hear and decide appeals from any Officer subordinate to them, and they are at liberty, summarily and without cause assigned, to reject appeals. The Board are also competent of their own proper motion to call for and to review the proceedings of any subordinate Officers, and to issue thereon such orders as they consider just and legal.

The Board are bound to conform to such instructions as they may receive from the Government whether as regards general operations or special cases. The Board are the authorized channel of communication with the Government and the constituted exponents of the orders of the Government on all subjects connected with the administration of the Land Revenue system.

The functions of the individual Members of the Board will be determined from time to time as the Government may direct. The issue of any order in the name of the Board under the signature of the Secretary or his Deputy shall be the legal expression of the Board's will, and shall be received as such in all Courts of Justice.

The Commissioners of Land Revenue control the Collectors of the districts comprised within their Divisions, subject to the direction and control of the Board of Revenue.

They issue their orders under their own signature, or by Deputy, if such officers are appointed.

The Commissioners are competent to receive and hear appeals from any of the Officers subordinate to them unless when specially otherwise provided, but they are at liberty summarily and without cause assigned to reject such appeals. The Commissioners are also competent of their own proper motion to call for and to review the proceedings of any subordinate Officer, and to issue thereon such orders as they may consider just and legal.

The Commissioners are bound to conform to any instructions they may receive from the Board of Revenue, or the Government, relative to the settlement or the collection of the Land Revenue, or Rents, within their Divisions. The Commissioners are the authorized channel of communication with the Board of Revenue, and the constituted exponents of the Board's orders, on all subjects connected with the Land Revenue or Rents.

The Collectors of Land Revenue are vested in the Districts entrusted to their charge with the settlement and collection of the Land Revenue and Rents, and of all questions therewith connected as hereafter prescribed.

The Collectors of Land Revenue are bound to conform to such instructions as they may receive from the Commissioners, the Board of Revenue, or the Government, relative to the settlement or the collection of the Land Revenue and Rent within their Districts.

The Collectors are the authorized exponents to the inhabitants of their districts of all the orders issued by the Commissioners, Board of Revenue, or Government, regarding the settlement relative to those subjects.

There may be in a District two or more Officers exercising independently the full powers of a Collector of Land Revenue in different portions of the District, or with respect to any specific class of duties which may be entrusted to them by the Government. Officers so appointed shall be called Joint Collectors.

Deputies of the Secretary of the Board of Revenue, to the Commissioners, and to the Collectors, are competent to perform any legal act, which their principals can perform. The Deputies will act always in strict subordination to their principals, and the principals will be responsible for all the official actions of their Deputies.

Assistants to the Secretary of the Board of Revenue, the Commissioners, and Collectors, may be employed in such manner as their principals may direct, but are not competent to perform any legal acts which their principals can perform. Assistants may be invested by the Government with the powers of Deputies as regards any specified classes of cases, such investment being publicly notified in the *Gazette*.

Officers of the above grades are appointed by the Government and their appointments notified in the *Gazette*. They can also be dismissed from their appointments only by order of the Government. The strength of the office establishments of the above officers is determined from time to time by the Government as they see fit, and the several persons borne on those establishments are entertained and dismissed under such rules as the Government may prescribe.

A *tehseldar* is the collector of the rents or revenue of a tract of land consisting of the whole or part of one or more *pergunnahs*. The *tehseldar* acts in entire subordination to the Collector of the district but has no judicial powers. A *tehseldar* may also be appointed an assistant or deputy of the Collector in his *tehseldarree*, or in the whole or part of the district.

A deputy (*naib*) *tehseldar* is competent to perform any act within the competency of a *tehseldar*.

*Tehseldars*, or deputy *tehseldars*, are appointed and dismissed by the Collectors with the sanction of the Commissioner. The Sudder Board of Revenue are competent to disallow the appointment of a *tehseldar*, or to dismiss or restore a *tehseldar* subject to the orders of the Government.

The office establishments of the *tehseldars* shall be regulated as the Government may direct. The persons borne on the *tehseldar's* establishments are entertained and dismissed under such orders as the Government may prescribe.



The canoongoes are the accountants of a pergunnah. There may be more than one canoongoe in a pergunnah, and a canoongoe may perform his duties in more than one pergunnah.

The canoongoes are bound to keep themselves apprised of all changes of property in land as well as of all transactions affecting the rents or revenues of the land within their jurisdictions. They can be required to attest all deeds regarding the transfer of landed property, and they are required to notify all transfers and successions to the Collector. The canoongoes are bound to render any assistance that may be required of them in the arrangement and care of the records, the compilation of the Registers, or the preparation of the accounts of the landed property within their jurisdiction.

The duties of the canoongoes may be performed by one or more deputies nominated by himself and acting on his responsibility.

The number and the salary of the canoongoes shall be determined by the Government. The canoongoes shall be appointed and dismissed by the Collector with the sanction of the Commissioner subject to such rules and directions as the Government may prescribe.

A putwarree is the accountant of a mehal, and is bound to furnish accounts in the form prescribed by the Government to the proprietors of the mehal, and to the Collector of the district.

The putwarree is bound to attest all deeds regarding the transfer of lands, and to register all transactions affecting the rents or Revenue of the lands within the mehal to which he stands appointed.

The putwarree is a village servant nominated by the sudder malgoozar, or malgoozars, of the mehal, subject to the approval of the Collector. If the sudder malgoozar fails to fill up the appointment within one month of the occurrence of a vacancy, or if his nominee is twice disapproved by the Collector, the appointment is to be filled up by the Collector.

A putwarree is subject to dismissal by a Collector on his own proper motion, or on complaint by a malgoozar for cause to be assigned in the order of dismissal.

In settled mehals, the number and pay of the putwarree or

putwarries will be determined at the time of settlement and entered in the settlement record.

In settled mehals where this may be omitted, or in rent-free mehals, the Collector is authorized to order the entertainment and remuneration of a putwarree according to the usage of the pergunnah or district.

The dues of a putwarree are recoverable by a Collector by the same process as an arrear of land revenue.

A putwarree is a public accountant within the contemplation of Act XII. 1850 and is punishable under Act XIII. 1850 for breach of trust.

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## CHAPTER VII.

### OF THE JUDICIAL POWERS OF THE COLLECTOR FOR THE PURPOSES OF REGISTRATION.

The Collector's office is designed to contain full and accurate information regarding the state of landed property in the district.

The Collector is a Judicial Officer, to decide all questions regarding the possession of land, or regarding the enjoyment of right connected with or arising out of the possession of land.

A Collector is competent to determine and mark off the boundaries of mehals, mouzas, properties, or fields, whenever he considers such determination and demarcation to be right and necessary.

Where any party has held undisturbed possession of land for one year as part of a mahal, mouzah, property, or field, of which he is proprietor or occupant, the Collector is bound to uphold that possession, provided that it be not adverse to any decree or order of a Court competent to order possession thereof.

When the possession by any party of the land is uncertain, or when no party has held possession of the land, the Collector is competent to award the whole or any part of it to the party possessing the best right to it.

When the Collector decides that no party is in possession of the lands nor has any right to it, he will declare the land to be

the property of the Government and will take possession of it accordingly on the part of the Government.

A Collector is competent to determine the nature and the extent of the rights of all proprietors of a mehal, and to make a record of those rights in such form as the Government may prescribe.

If a person has been entirely deprived for a whole year of the possession of proprietary right, a Collector is not competent to admit him as a proprietor, except with the consent of the other proprietors, or in pursuance of the order of some Court competent to give him possession.

If a person is possessed of rights and privileges in a mehal which are indicative of proprietary right, the full exercise of which is temporarily in abeyance from some cause which is not adverse to its existence, the Collector is competent to determine the nature and extent of the proprietary right, and the circumstances under which it shall come into full exercise.

When a person is possessed of proprietary right in a mehal, the Collector is competent to determine the nature and extent of that right and all the privileges attaching to it and the responsibilities incurred by its possession, provided that no adverse possession of those rights and privileges be held by another person.

When the proprietors in a mehal agree to a re-distribution of property amongst themselves without reference to existing possession, and signify their wish to that effect in writing, the Collector is competent to re-distribute the property according to any known usage prevailing in the mehal, or according to the law agreed upon by the proprietors amongst themselves.

When the usage of a mehal, as judicially declared, involves the maintenance or disturbanec of the possession of a proprietor under certain circumstances specified in the record of the usage, the Collector is competent to determine whether the state of circumstances contemplated in the usage has occurred, and if so, to maintain or disturb the possession of the proprietor in conformity with the recorded usage.

Whenever in any mehal the existing record of right or usages is found to be contrary to fact, or to require alteration under

the operation of a customary usage at any former time judicially determined, the Collector is competent to alter or amend the record, so as to bring it into accordance with the facts or with the altered circumstances of the mehal.

In compiling the record of usages in a mehal, a Collector is bound to disallow that which he finds to be at variance with the old established usage of the mehal, unless the usage shall have been altered by the decree of a competent Court, or unless those who are concerned and interested in the usage agree amongst themselves to alter it, and the alteration be in itself unobjectionable.

A Collector is competent to determine the nature and extent of all rights of occupancy in a mehal and make a register of the occupants and a record of their right and the conditions of their occupancy in such form as the Government may prescribe.

The Collector is bound to compile the register of occupants, and record of their right and condition of occupancy, in conformity with the existing state of things or prevailing usage, unless these should be altered by the decree of a competent Court, or by the consent of all the parties concerned and be otherwise unobjectionable.

Whenever the operation of the law or the terms of a contract or the usage of mehal, as judicially determined, involves the alteration under certain circumstances of the relations between the proprietors and occupants, or the termination of the occupancy, the Collector is competent to determine whether the state of circumstances contemplated by the law or usage has occurred, and if so, to alter the conditions of the occupancy or to maintain or terminate it in conformity with the law of contract or usage.

As a Judicial Officer, the Collector is invested with all the powers of a Dewanny Judge. He has the same powers for summoning parties and witnesses, for enforcing the production of documents, for taking depositions, for awarding costs, for executing decrees, and for punishing contempts.

In the trial of issues of fact or questions of usage, the Collector is competent to avail himself of the assistance of respectable natives, either by referring the point in dispute for investigation and decision by them as a punchayet, or by calling upon

them to sit with him as assessors, or by requiring them to give a verdict as a jury on an issue submitted to them. The Collector is empowered to summon as witnesses those whom he may require to attend at his Court for the above purposes, and to punish them for refusal to perform these services as he might punish witnesses for refusing to give evidence.

The Collector is authorized to refer any cases before him for investigation and report to the tehsildar in whose jurisdiction the land lies, or to any other person whom he may specially depute for the purpose of making enquiry on the spot into the circumstances of the case. The tehsildar or person so specially deputed is competent to summon the parties and the witnesses, to take their depositions, and to do all other acts necessary for the investigation of the case, which the Collector himself is competent to do.

In the demarcation of boundaries the Collector is competent to cause the formation of boundary marks, and of a map or other record of them according to any form that may be prescribed by the Government, or in such manner as may be best suited to the state of the circumstances, and to cause the cost thereof to be defrayed by one or more of the parties owning or occupying the conterminous lands, or otherwise interested in the case, as may appear to him just.

Any opposition to the demarcation or any wilful defacement or erasure of the demarcation once made, may be punished as resistance of process, or contempt of Court. The cost of repairing or renewing the demarcation may be charged against one or more of the parties owning or occupying the conterminous lands, or otherwise interested in the case, as may appear just.

It is the duty of the village Police to take charge of the boundary marks when the demarcation has been made, and to report to the Collector any injury they may sustain.

For the purpose of determining and recording the rights of proprietors or occupants in any mehal, the Collector is competent to cause a survey of the village to be made and a register of rights to be formed in such manner as the Government may direct, and to charge the cost of the survey and of the compila-

tion of the register to all or any of those whose interests are effected thereby, as may appear to him just.

The proprietors of the mehal and the putwarree and village police officers are bound, on due notice being given, to attend the surveyor in order to point out the boundaries of the mehal, and to indicate the proprietors or occupants of the several fields, and to afford all other information which may be necessary for the right conduct of the survey and the correction of the entries. Persons obstructing the survey, by failing to attend on summons or by forcibly opposing the survey, or by wilfully giving false information so as to mislead and delay the surveyor, are liable to punishment for resistance of orders, or contempt of Court as the case may be.

The putwarree of the mehal is bound at his own expense to make an accurate copy of every map, field-book, or register of right, which may be drawn up by the Collector in the vernacular language. This copy shall be attested by the Collector and shall be open at all times to the inspection of every person holding or occupying land in the mehal. Any putwarree who may fail on written requisition to this effect to make such copy, shall be liable to a fine not exceeding one rupee per diem, the whole or any portion of the fine being applicable to the preparation of a copy by a properly qualified person, hired for the purpose by the Collector. The fine so imposed shall be realizable from the putwarree by the process authorized for the realization of money in execution of decree.

The Collector is competent to reject summarily, and without cause assigned, the application of any person complaining to him of the infringement of rights and to refer the plaintiff for redress to a regular suit in the Dewanny Courts.

The Collector is competent of his own proper motion, and without application of any person made to him for that purpose, to bring on his file for adjudication any particular case of the nature aforesaid, or for revision the record of any mouzah or mehal in his district. Having so done and having notified his intention to the parties concerned, he will exercise in the proceeding all the powers conferred on him in this chapter.

In the exercise of the judicial powers conferred in this chapter, the Collector is altogether under the control of his superiors in the Revenue Department as already specified in clause—Chapter VI. and is bound to obey all orders that may be issued to him regarding any particular case or class of cases that may be pending before him, or that it may be considered expedient to place on his file, provided that in his decision he is bound to act on his own free and independent judgment, leaving his decisions to be confirmed, altered, or modified, by his superiors as they consider right.

Every summary decision passed by the revenue authorities under the powers conferred in this chapter, is liable to be contested in a regular suit in the Dewanny Courts, but such suit must be brought within three years from the date of the order in the Revenue Department which is the cause of the suit.

A regular suit in a Dewanny Court to set aside the summary decision of a revenue officer shall be of the nature of a new trial on the merits of the case, the facts found and the opinions expressed by the revenue officer being affirmed or rejected, according as they are judged by the Court to be consistent with truth, justice and equity, or the reverse. The *onus probandi* rests with the party that sues before the Court for the rescission or modification of the decision passed by the revenue officers. No decision of a revenue officer shall be set aside by a Dewanny Court, on the ground of informality.

The Collector is not liable to be made a party to suit brought in a Dewanny Court to set aside his summary decision, for any act performed in his judicial capacity. Any costs incurred by the Collector in consequence of such suit, shall be recovered from the party so suing.

The Dewanny Court in trying the suit brought to set aside the summary decision of a revenue officer shall use all diligence to have before them all the documents, pleadings, arguments or orders, which influenced the decision in the revenue department. For this purpose the Judge in the Dewanny Court is competent to call for all papers which he may consider calculated to throw light on the case, and the Collector is bound on such requisition immediately to produce all the papers in Court.

The summary jurisdiction hereby conferred on the Collector supersedes all summary jurisdiction exercised by the Magistrates as regards the possession of land, or the enjoyment of rights connected with the possession of land, but the Collector is bound on certificate from the Magistrate that the summary decision of any case is necessary for the preservation of the peace, immediately to bring it on his file, and to decide it with the least possible delay.

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## CHAPTER VIII.

### ON THE SETTLEMENT OF THE LAND REVENUE.

The Government determines the period for which a settlement is to be made either for a term of years or in perpetuity.

The proprietor of a mehal is entitled to have the settlement of the mehal made with him, or to receive in lieu therefore a sum not less than 10 per cent. in money, or its equivalent in lands or rents, on the revenue of the mehal; or, in the event of the Collector rejecting his tender of revenue for the mehal, on the amount which he may so tender;—provided that any proprietor against whom there exists an unsatisfied demand for land revenue, or for any other item demandable as land revenue, may be excluded without compensation from holding the mehal, at the time of settlement, or otherwise, in such way and for such period as will be hereinafter prescribed.

The settlement of a mehal is a contract entered into between the Government and the proprietor. The proprietor makes a tender (*durkhvast*) for the payment of a fixed annual sum for a term of years, which the Collector on the part of the Government accepts. When the Collector accepts the tender, the terms of the contract become binding on the proprietor. When the Government confirms the settlement, the terms becoming binding on the Government. The Government may relinquish stipulations in its own favour made in the contract by the Collector, but it cannot impose on the proprietor stipulations which are not contained in the contract, nor can it disallow stipulations in the contract which are in favor of the proprietor. If the Govern-



ment disallows the contract, the mehal becomes again open to settlement.

The Government is competent to exclude from the settlement of a mehal, any portion of the land or any of the spontaneous products which are required for public purposes, such exclusion being considered a condition of the settlement of the remainder of the mehal. But if at any time such lands or such products be no longer required for public purposes and be relinquished by the Government, the proprietor of the mehal shall be entitled to have the settlement made with him. If the proprietor decline to tender for the mehal in consequence of the exclusion, then he shall be entitled to a fair malikanah upon the entire area of the mehal. The lands or products so excluded, are called minhai.

Whenever a mehal contains an undue proportion of uncultivated culturable land, the Government is competent to exclude this land from settlement with the proprietor, and to form it into a separate mehal, to be disposed of as it may see fit, provided that the original proprietor shall be entitled to a malikanah of 10 per cent. on all sums received by the Government on account of such lands.

The contract entered into at the time of settlement entitles the proprietor to all the rents and assets legally realizable from the land comprised within the limits of the mehal, except from lands or products on or above or below the surface of the land especially excluded as above. The contract is not affected by the subsequent discovery by either party that the rents or assets of the land were falsely estimated at the time of settlement, from fraud, error, or any other cause. The limits of the mehal will stand as determined at the time of settlement, save and except that no proprietor will be entitled to the rents or assets of land which was erroneously or fraudently included in the mehal when it ought not to have been so included, nor to any abatement of revenue for the same, if at the time of settlement the land was not in the possession of the contracting proprietor.

The whole of the land included in the tender constitutes one mehal and is answerable for the amount agreed upon, notwithstanding the entry at the foot of the contract of any specifica-

tion showing certain sums to be due from certain portions of the mehal.

If at the time of settlement the contract, entered into between the Government and the proprietors, specified the dates on which the several instalments of revenue were to be paid during the year, the Government may postpone, but cannot anticipate, the demand of any instalment. Otherwise it is in the option of the Government from time to time to determine the number of the instalments of revenue, and the amount of each and the date on which it shall be paid within the agricultural year.

Every proprietor is free to transfer by sale, gift, or otherwise his proprietary rights and interests in the land according to the laws, without any interference on the part of the Government with a view to the security of revenue. On the demise of a proprietor his heir or heirs or legatee will succeed to the property according to the law.

Provided that the proprietary rights, vested in a malgoozar by the settlement, and all proprietary rights of the same kind in the mehal vesting in the parties with whom or on whose behalf he became a party to the settlement, are hypothecated to the Government as security for the payment of the land revenue. The lien of the Government on those rights for payment of the revenue takes precedence of every other claim or title to those rights.

No contracts entered into by the proprietor, bar the rights of the Government at the time of settlement, nor do they bar the rights of those who derived their title at the time of settlement from the Government but they are binding against the proprietor himself.

In copareenary mehals where there are many proprietors, they shall nominate one or more of their body to be their representatives and to contract on their behalf to pay the revenue to the Government. The number of persons so selected as well as the individuals themselves are to be approved by the Collector. On failure of the copareeners to nominate a representative within one month from the date on which a vacancy may be declared to exist, or if the nominee be twice disapproved by the Collector, the representative shall then be appointed by

the Collector alone. The representative so appointed is called the Lumberdar.

In coparcenary mehals, any coparcener is at liberty to decline becoming a party to the Government contract so far as concerns his own property, notwithstanding that the rest or any number of the rest of the coparceners enter into the contract. In such cases the properties of the recusant coparcener shall be formed into a separate mehal and treated as such, the settlement being made with the other coparceners for their properties only as an entire mehal.

A lumberdar in a coparcenary mehal, vacates his office,—

*First.* By voluntary resignation tendered in a petition on stamp paper to the Collector.

*Second.* By declaration of the Collector consequent on conviction in a criminal court of a felony or misdemeanour.

*Third.* By declaration of the collector consequent on proved incompetency or failure to discharge any of the functions legally attaching to him as lumberdar and malgoozar.

*Fourth.* By declaration of the collector consequent on the petition of a majority of the coparceners for his dismissal.

*Fifth.* By declaration of the collector consequent on the entire loss by the lumberdar of all proprietary right in the mehal.

The assignment of any remuneration to the lumberdar and its extent is dependant on the usage of the mehal as determined and declared by the collector.

In talookdaree mehals, the collector may declare at the time of settlement whether the talookdar or the biswahdars shall be admitted to contract with the Government for payment of the Revenue. After the settlement has been confirmed by the Government, the party admitted to contract cannot be set aside except for default or otherwise as provided by the Law.

If the settlement be made with the talookdar, the collector shall determine on behalf of the talookdar the relations which shall exist between him and the biswahdars, in the same way that he would do if he formed a settlement on the part of the Government with the biswahdars.

Provided that the sum to be paid by the biswahdars to the talookdar be not less than will leave to the talookdar 10 per cent. on the revenue to cover his malikanah and the cost and risk of collection. And provided further that the talookdar or biswahdars are each of them entitled to a malikanah of not less than 5 per cent. on the Government demand if either of them decline to accept the terms of settlement offered by the collector.

If the settlement be formed with the biswahdars, the talookdar is entitled as malikanah to a sum not less than 5 per cent. on the Government revenue fixed upon the mehal.

A settlement made by Government with the biswahdar or biswahdars shall be formed in the same way and shall convey the same rights as if made with the proprietor of a simple mehal or with the proprietors of a coparcenary mehal.

All sums claimable as malikanah or their equivalent in land are heritable transferable property.

If the proprietor of a mehal decline to tender for the payment of a fixed annual revenue, or to accept the offer made to him by the collector, then the collector is at liberty to farm the estate to a stranger or to hold it kham for a period not exceeding the term of twelve years, the proprietor receiving during his exclusion a malikanah of not less than 10 per cent. on the amount fixed by the collector or tendered by the proprietor. On the expiration of the period of twelve years the mehal becomes again open to settlement.

A mortgagee in possession of a mehal, or any part of a mehal, is considered to stand in the place of a proprietor, and is entitled to have the settlement made with himself as though he were proprietor. The proprietor is bound by his acts, so far as concerns the contract formed with the Government at the time of settlement.

Settlement shall be formed according to the agricultural year, so as to commence at the beginning and terminate at the close of an agricultural year.

During the currency of a settlement a proprietor is at liberty, at the close of an agricultural year, and after three months' notice, to resign an entire mehal to the Government provided

that no arrear of land revenue be due from it, and the mehal so resigned becomes a khas mehal.

Every malgoozar and the proprietor of a lakheraj mehal is bound to contribute in labour or in money to the repair of the roads. It shall be in his option to give labour as required or money, but the money demand shall not exceed 1 per cent. on the land revenue demandable from the mehal, or that would be fairly demandable from a lakheraj mehal, if it were khalisah.

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## CHAPTER IX.

### ON TRANSFER OF PROPRIETARY RIGHT DURING THE CURRENCY OF A SETTLEMENT.

It is the duty of a collector to keep a correct register of all proprietors and malgoozars in the district.

The registers shall show the persons in acknowledged proprietary possession and also the person who manages the property in his place whether as mortgagee, farmer or agent.

Registration is an act following and consequent on the transfer of proprietary possession whether rightful or wrongful. In cases of doubtful or disputed possession the collector is competent to declare and maintain the person in possession and, as a consequence thereof, to enter his name in the register.

In cases of succession, when the possession of any one of the claimants is doubtful, the collector is competent to declare who is the person best entitled to succeed according to law or the usage of the mehal, to register him as proprietor, and to maintain him in possession subject to such orders as may be issued on the subject by the Dewanny Courts.

The register of sudder malgoozars shall be kept by the collector, and all mutations of property in it shall take place under his orders. Cases regarding such mutations are called kharij dakhil cases. The register shall be compiled for such period and in such form as the Government may prescribe. The collector shall keep himself apprized of all transfers of property by sudder malgoozars from—

1st.—The orders of Dewanny Courts directing such transfer.

2nd.—The application of parties to such transfers.

3rd.—The report of the canoongoe or the tehsceldar that the transfer has occurred.

The registers of all proprietors who are not sudder malgoozars shall be kept by the putwarry, and shall not ordinarily require the order of the collector for the mutation of names. But the collector is at all times competent to issue his orders regarding mutation of names to the putwarry, and the putwarry is bound to alter his register in conformity with those orders.

The putwarry's register shall show not only the names of the proprietors, but likewise all their demands and receipts from the mehal, and also the names of all occupants of land in the mehal, and the extent of land occupied by each, with the sums due from and paid by each occupant.

The putwarries' register shall be compiled annually in duplicate, of which, one copy shall be lodged in the collector's office, and one copy retained by the putwarry open to the inspection of all parties who are concerned in its entries. The Government shall prescribe the form in which the register is to be drawn up and the date on which it shall be furnished.

Any putwarry who may fail to furnish his register on the prescribed date shall be liable at the discretion of the collector to a fine not exceeding one rupee a day, and to dismissal for continued or repeated failure.

Any putwarry who shall knowingly and wilfully make false entries in his register, shall be liable at the discretion of the collector to a fine not exceeding ten rupees for every false entry so made, and also to dismissal for numerous or repeated false entries.

Any person who shall obstruct the putwarry in the preparation of his register, or who shall instigate him by threats or bribes or other means to make false entries in his register, shall be liable at the discretion of the collector to a fine not exceeding fifty rupees for every such offence.

The fines which the collector is hereby empowered to levy shall be realized by the collector in the same way as sums due in execution of the decree of a Dewanny Court, and shall be

appropriated to defray the expenses of keeping and preserving the public registers.

The registers thus maintained shall be in the custody of the record keeper, and shall be considered part of the public records in the collector's record office.

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## CHAPTER X.

### OF THE UNION AND DIVISION OF MEHALS.

The collector is competent on the application of a proprietor to unite into one mehal any two or more mehals, held by the applicant, such united mehal being thereafter treated as though it had been one mehal from the time of settlement.

No such union of mehals shall take place till notice of the intended union shall have been made at the Dewanny Court, and at the collector's office, and at the Moonsiff's Court and tchsceldar's office within the jurisdiction of which any of the mehals may be situate for the period of an entire month.

No such union shall take place if any person possessing or claiming a right of property in any one of the mehals shall offer opposition on reasonable grounds to such union, and shall be able to show that such union will in any way affect the value of any share possessed or claimed by him in any one of the mehals.

Any co-parcener in a co-parcenary mehal is entitled to claim separation of his property from that of the other co-parceners and its formation into a distinct mehal with a separate jumma.

The collector is bound on application made to him to declare the rights possessed in the mehal by the persons claiming separation of their property and to divide the mehal accordingly.

The division of a mehal shall take place according to the value of the several portions of the mehal at the time the division is made, so that the revenue allotted to each of the portions shall bear the same proportion to it that the revenue of the entire mehal does to its value.

The value of the several portions of the mehal shall be calculated according to what they would be, if the mehal were open

to settlement and the allotment of revenue shall be made accordingly, but such valuation shall not in any way affect the rights of any occupants by contract in the mehal so long as those contracts remain in force.

In a zemindaree mehal the share possessed by each individual proprietor is the measure of his right in the mehal. The lands shall be divided so that the value of the land to be separately possessed by each shall correspond with his share.

In a puttcedaree mehal the land possessed by each individual proprietor is the measure of his right in the mehal. The revenue shall be allotted on the several puttees so that each portion of the revenue shall correspond with the value of the puttee.

In an imperfect putteedaree mehal the land shall be apportioned so as to correspond with the shares, or the revenue shall be apportioned so as to correspond with the puttees, according to the recorded law of the mehal, or according to the predominant character of the mehal where no determinate recorded law exists. The mode of distribution in such cases, shall be fixed by the proprietors, or in the event of their disagreement by the collector, or by the Dewanny Court ordering the division.

A Dewanny Court in a regular suit, or in an order passed in execution of a decree in a regular suit, may determine the land to which any individual proprietor is entitled, but cannot take cognizance of the amount of revenue apportioned to the land. The amount of revenue to be paid by each portion of a mehal after division, will be determined by the collector subject to the orders of his superiors in the revenue department, as would be the case if the several portions of the mehal were open to settlement.

No fresh *durkhvast* is requisite from the proprietors of each of the mehals formed by the division. The engagement entered into for the whole original mehal is binding on the proprietors of the constituted mehals.

The collector is competent to demand from parties claiming division of a mehal a deposit of 10 per cent. on the Government revenue, to cover the costs of the division, before entering on



the operation. He is further competent to charge afterwards, any sum in excess of 10 per cent, on the jumma, which may be necessary to the completion of the division, and to recover the amount from the proprietors by the process authorized for the realization of money in execution of a decree.

In effecting the union and division of mehals, the collector is vested with all the judicial powers conferred in Chapter VII. and his orders are open to revision by the Dewanny Courts under the same restrictions as are there prescribed. Every division of an estate on completion shall be reported to the commissioner for confirmation. The division after being confirmed shall have effect from the commencement of the ensuing agricultural year.

If any fraud or error be discovered in the division, within the period of 12 years from the date of confirmation the Government is competent to cancel the division, and to order a new division to be made according to the value of the lands when the new division may be made.

Proprietors wishing to create a biswahdarree tenure may do so by application to the collector. The land revenue demandable from the portion of the mehal which is to constitute the biswahdarree tenure, shall be determined on the same principle and in the same way as if the portion were to be formed into a distinct mehal and to the sum thus determined shall be added according to the will of the proprietor, an amount not less than 5 per cent. The biswahdarree tenure so created shall be held entitled to all the privileges, which would attach to such a tenure, existing at the time of settlement.

All the rules applicable to the division of estates, shall be held similarly applicable to the creation of biswahdarree tenures.

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## CHAPTER XI.

### ON ALLUVION AND DILUVION,

Land thrown up by a river is part of the mehal to which the land was attached that occupied the same site at the time of the survey and settlement of the district or pergunnah in which the mehal is situate, and shall be held on the same tenure, and

by the same persons, as held the rest of the mehal, or as would have held the mehal, if the land had never been carried away by the river.

Whenever the land thrown up by a river was not included in any mehal at the time of the survey and settlement of the district or pergunnah in which the land is situate, such land shall be the property of the Government, and may be disposed of as the Government thinks right.

Whenever a portion of a mehal equal to one-tenth of its recorded culturable and assessed area at the time of settlement, shall be carried away or rendered unproductive by the action of a river, the proprietor is at liberty to claim re-settlement of the entire mehal on its assets at the time of the claim. Such settlement shall have effect from the commencement of the agricultural year, in which the claim was preferred.

Any land which may after such re-settlement be thrown up by the river on the site occupied by the former lands of the mehal, shall be settled with the proprietors as part of their mehal, or if they refuse to accede to the terms proposed by the collector, as a separate mehal, on which they will receive *malikannah* as prescribed in Chapter VIII. ; provided that the entire revenue demanded from the whole lands constituting the original mehal, shall never exceed that which was agreed to at the time of settlement.

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## CHAPTER XII.

### ON LAND TAKEN FOR PUBLIC PURPOSES.

The Government is competent to take possession of any land for public purposes, or for purposes which it may declare to be public, in the manner and on the conditions prescribed by the law.

Whenever land in a *khalisah* mehal is taken possession of by the Government for public purposes, the revenue derivable from such portion shall be determined in the same manner and by the same process as is prescribed for the determination of the revenue, to be demanded from the several portions of a

divided mehal. The revenue so declared to be derivable from the portion of the mehal taken by the Government shall be remitted, so long as the land is held possession of for the purposes for which it was taken, or other similar purposes.

Whatever further allowance may be made to the proprietors for the land so taken may be in the form of a ready-money payment by way of purchase, or as an annual money payment to the proprietor, or a further remission of the revenue demandable from the rest of the mehal, the amount in which case having reference to the period for which the settlement may have to run.

When the land so taken is no longer required for public purposes, it shall be restored to the proprietor of the mehal, and a sum not exceeding the revenue which was remitted on account of its occupation shall be reimposed. If the proprietor refuse to pay for the land the amount before demanded from it, the land becomes open to re-settlement and if it be settled with another than the proprietor, then the proprietor is entitled to a malikannah of 10 per cent. on the amount before demanded from the land.

Land thus restored to the proprietor of a mehal shall be held to be a part of the mehal, as that mehal may be constituted at the time of restoration. The persons possessing rights in the mehals, shall have such rights in the restored portion, as they would have in common land jointly held by all the proprietors of the mehal.

Whenever the Government may determine to set apart land in a mehal for the maintenance of village servants, whose support on certain terms by the proprietor is obligatory under the law, such land shall be so assigned on remission by the Government of the revenue derivable from the land, as aforesaid, and of 10 per cent. additional as malikannah to the proprietor.

The conditions on which the land in lakheraj mehals may be taken for public purposes, shall depend entirely on the terms which may be arranged between the Government and the proprietor under the law applicable to the case.

The proprietor of a lakheraj mehal is bound by the nature of his tenure to assign land for the maintenance of all village

servants, whose support on certain terms is obligatory under the law. It is the duty of the collector to provide that land be so assigned and to arrange the terms on which the land so assigned shall be vacated for the use of the village servants. In order to effect this, he is invested for the purpose with all the powers conferred on him as a judicial officer in Chapter VII.

## CHAPTER XIII.

### ON THE COLLECTOR'S RECORD OFFICE.

The collector's record office is instituted for the good of the people, and is open to the inspection of all persons on the conditions that may be prescribed by the Government as necessary for the safe custody and preservation of the records.

The records in the record office shall be so arranged and indexed as may facilitate the ready production of all documents that may be required. The mode of arrangement and form of index shall be prescribed by the Government.

Any person requiring to search for, and to inspect and to take copies of, any documents in a collector's office shall be permitted to do so on the observance of such rules, as may be prescribed by the Government for the preservation of the records from interpolation or falsification or other injury, and on the payment of the fees which may be fixed by the Government as necessary to defray the expenses attending the maintenance of the record office establishment.

In order to defray the expense of the record office, the following fees are leviable by the collector.

On the union of several *khalisah* *mehals*, or on the division of any *khalisah* *mehal*,  $\frac{1}{4}$  annas or  $\frac{1}{4}$  per cent. on the revenue of the *mehals* so united, or of the *mehal* so divided, for the year in which the union or division may be completed.

On the union of several *lakheraj* *mehals*, or on the division of any *lakheraj* *mehal*,  $\frac{1}{2}$  per cent. on the average revenue, demandable from the *mehal*, if it were *khalisah*.

On the transfer of the whole or part of a *khalisah* *mehal* from one *malik* to another or by succession, sale, gift, divorce

of Court, or otherwise, 4 annas or  $\frac{1}{4}$  per cent. on the revenue demandable in the year of transfer from the whole mehal, or the portion of the mehal so transferred.

On the transfer of the whole or a part of a lakheraj mehal from one lakherajdar to another, by succession, sale, gift, decree of Court, or otherwise  $2\frac{1}{2}$  per cent. on the average revenue demandable from the mehal if were khalisah.

In lakheraj mehals, where a settlement has been made with the proprietor on the behalf of the lakherajdar, fees shall be levied according to the rates prescribed for khalisah mehals, in all transactions to which the proprietor is a party.

Lakheraj mehals shall be rated for the payment of fees at the average rate of revenue per acre of total area, which is demanded from the khalisah land in the tehsildarry, within the limits of which the mehal is situate, during the year in which the fee is leviable.

A lakherajdar failing to notify to the collector within six months of its occurrence, any transfer of property by a lakherajdar or by a sudder malgoozâr in the lakheraj mehal, shall be charged with the payment of a second fee, equal in amount to that which is levied on account of the transfer of property in the mehal.

Every fee thus leviable is public revenue, and may be collected from the individual from whom it is due by the process authorized for the realization of sums due by decree of Court.

The fees thus realized are appropriated exclusively to the maintenance of the record office, including all charges for the erecting, furnishing, or service of the office.

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## CHAPTER XIV.

### ON THE COLLECTION OF THE LAND REVENUE.

When any part of an instalment of the land revenue, or any sum realizable by law as land revenue, from any proprietor of a mehal, remains unpaid on the day following that on which it falls due, the sum thus unpaid is called an arrear. Any person who is responsible for the payment is called a defaulter. If the

mehal on account of which the arrear is due is a settled mehal, then the mehal is said to be in arrears.

All the proprietary rights of the same kind, possessed by the proprietors with whom the settlement is made, are hypothecated to the Government for the land revenue demandable from the mehal, so long as the contract is in force. The collector is empowered to realize the demand by enforcing the Government lien on the mehal, in the manner hereafter prescribed.

No proprietor is entitled to malikanah in consequence of dispossession from the mehal because of an arrear of land revenue.

The processes for the realization of land revenue directed against the mehal are—

*First.*—Sale of the mehal by public auction.

*Second.*—Farm of the mehal to another than the proprietor.

*Third.*—Attachment and sequestration of the mehal by the Government, or kham tehseel.

A sudder malgoozar is responsible in his person and entire property for the payment of the whole amount of land revenue demandable from a mehal, and of all sums realizable as land revenue from any proprietor of the mehal, on account of that mehal.

A malgoozar, not being a sudder malgoozar, is responsible in his person and entire property only for the amount of land revenue or any sums realizable as land revenue from himself, but his proprietary right in the mehal in arrears is liable for the whole amount demandable from the mehal.

The farmer of a mehal is responsible in his person and entire property for all sums demandable from him as land revenue on account of the mehal which he farms.

The surety of a farmer, who is a defaulter, is responsible in his person and entire property for the amount demandable as land revenue from the farmer, on account of the mehal.

Any other person than the proprietor, who can be proved to have collected the rents and products of a mehal and to have appropriated them to his own use without paying therefrom the Government revenue, is responsible in his person and entire property for the whole amount of land revenue due from the mehal.

The processes directed against the person or property of a defaulter are these—

*First.*—The issue of dustuks.

*Second.*—Imprisonment in the civil jail.

*Third.*—Sale of personal property.

*Fourth.*—Sale or temporary alienation of the property in the mehal in arrear.

*Fifth.*—Sale of proprietary rights in other mehals, than that in arrear.

Before proceeding against the person or property of a defaulter in a coparcenary mehal, the collector shall call for an account showing the demand from the defaulter, his payments, and the balance due from him. This account furnished by the tehseeldar, countersigned by the canoongoe and putwarree, and approved by the collector, shall be filed on the proceedings, and shall be sufficient evidence of the arrear due from the defaulter. In deciding upon this document, the collector shall be considered to act judicially, and to be invested with all the powers and immunities attaching to the judicial office. When a settled mehal is in arrears, it is in the option of the collector to proceed against the mehal or against the persons or properties of the defaulter, or against both simultaneously or consecutively.

When there are several defaulters, the collector may proceed against the person and property of the sudder malgoozar, or of the individual defaulter, or against both simultaneously or consecutively.

When the collector proceeds against a defaulter, he may proceed against his person or his property of any and of every kind, or against both or all, simultaneously or consecutively.

When a demand for land revenue is suspended by the Government, or by a revenue authority duly empowered to suspend the demand, the sum so suspended does not fall due till the date fixed in the order of suspension.

The Government alone can remit a demand for land revenue, or for any sum demandable as land revenue. The sum so remitted can never be again demanded.

The powers of suspension and remission of the land revenue may be exercised by the Government in a lakheraj mehal, or as regards

biswadarree properties, when the settlement has been made with the talookdar, provided that the sums suspended or remitted to the biswadars do not exceed by more than 5 per cent. the sum suspended or remitted by the Government to the talookdar.

The following items and no others are realizable as land revenue from a mehal.

*First.*—Tuccavee or advances of money by the Government to the proprietors for the agricultural improvement of the mehal, demandable on the date fixed in the contract entered into with the proprietor, when the advance was made.

*Secondly.*—The sums legally chargeable against the proprietor of a mehal in arrears, for the expence of collecting the arrear.

*Thirdly.*—Any sums which the proprietor may contract to pay in commutation for the obligation to repair the roads or as the remuneration of village servants, whom he is bound by the law to maintain.

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## CHAPTER XV.

### ON THE SALE OF A MEHAL FOR AN ARREAR OF LAND REVENUE.

The sale of a mehal for an arrear of land revenue, conveys to the purchaser, free of all encumbrances from any act of the defaulter, all the proprietary rights of the same kind, with the proprietors of which the settlement was made. The proprietary rights of the talookdar or of the biswadar, with either of whom the settlement was not made, are unaffected by the sale. The defaulting proprietor retains any rights of occupancy by prescription he may have in the land comprised in the mehal, and becomes an occupant by prescription of his own seer land.

The conditions to the validity of a sale are the following:—

*First.*—That the mehal be in arrears on the sunset of the day preceding the sale.

*Secondly.*—That the sanction of the Sudder Board of Revenue have been obtained to the sale. This sanction may be given generally, authorizing the sale of a mehal, whenever a balance may occur, or specifically on special report in contemplation of the occurrence of an arrear in a certain year, or after the arrear has occurred.



*Thirdly.*—That when the mehal is in arrear proclamation of the intended sale be made by notice in the collector's office and in the Judge's Court, and in the office of the tehseldar and moonsiff within whose jurisdiction the mehal in arrear may be situate, for a period of not less than fifteen days before the occurrence of the sale. The notice shall set forth the mehal in arrear, the arrears due at the time of proclamation, and the place and date on which the sale is to take place.

*Fourthly.*—That the sale take place freely and publicly at the place mentioned in the proclamation, on the date mentioned, or on some subsequent day, by postponement from office day to office day, till the sale take place.

The collector shall on any day previous to of the day of sale, receive the arrear as a deposit from any person not being the proprietor of the mehal in arrears, and if the arrear be not paid by the proprietor before sunset of the day preceding the sale, shall carry the amount to the credit of the mehal, leaving the person who makes the deposit to pursue such measures as he thinks best for the attainment of the object on account of which he paid the arrear.

The following mehals are declared not liable to sale for arrear of land revenue.

*First.*—A mehal under the management of the Court of wards.

*Secondly.*—A mehal, of which all the recorded proprietors are minors, till one of them attains the age of 18 years.

*Thirdly.*—A mehal which is farmed or is sequestrated by the revenue authorities, for any arrear that accrued during the farm, or whilst under sequestration.

*Fourthly.*—A mehal under attachment for any arrear that has arisen during the attachment or dispossession of the proprietors; but if the attached mehal have been restored to the proprietors then the mehal becomes liable for the arrear that arose during the attachment.

The person who shall make the highest bid for the mehal at the time of sale, and shall consequently be declared the purchaser thereof, shall be required immediately, or as soon after as the collector may think necessary, to deposit either in cash, or in

Government securities duly endorsed, 25 per cent. on the amount bid, and in default of such deposit the mehal shall be forthwith put up again and sold.

If the full amount of the purchase be not made good by the purchaser before sunset of the thirtieth day from that on which the sale took place, counting that day as one of the thirty, or before sunset of the first office day after the thirtieth day, then the amount so deposited shall be forfeited to the Government, and the mehal may be brought to sale again as if no previous sale had occurred.

The commissioner of revenue is bound to receive any appeal which may be preferred against the sale of a mehal, on or before the fifteenth day from the day of sale, reckoning that day as one of the fifteen, and to annul any sale that may seem to him to have been conducted contrary to law.

If the purchase-money has been paid up, as prescribed, on or before the thirtieth day from the date of sale, and no appeal has been preferred to the commissioner against the sale or having been preferred has been rejected then the collector shall proceed immediately to give the purchaser possession of the mehal, and shall apply the purchase-money to the liquidation of the arrear due on the day of sale and shall pay the residue, if any, to the proprietor, or on his behalf, as may be ordered by a competent civil court.

The Government is competent to annul a sale on account of illegality, injustice, or hardship, within the period of six months from the date of sale, due compensation for any loss he may thereby sustain being made to the purchaser by the Government or by the defaulting proprietor.

The purchaser is responsible for all arrears that may occur on the mehal after the day of sale.

No sale for arrears shall be set aside by a Dewanny Court except upon the ground of its having been made contrary to the provisions of this Act; and except the contravention shall have been specified in an appeal made to the commissioner as above prescribed, and except the action in the Dewanny Court be instituted within one year from the date of sale.

Immediately on giving possession of the mehal to the pur-

chaser, the collector is bound on the requisition of the purchaser, or of any biswadar or occupant of land in the mehal or otherwise at his discretion, to define and make a record of all rights possessed by persons connected with the mehal, under the judicial powers for that purpose vested in him.

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## CHAPTER XVI.

### ON THE FARM OF A MEHAL FOR AN ARREAR OF LAND REVENUE.

The farm of a mehal for an arrear of land revenue conveys to the farmer, for the period of his lease, free of encumbrances from any act of the defaulter, all the proprietary rights of same kind, with the proprietors of which the settlement was made, in the same way, and to the same extent that they would be conveyed permanently to a purchaser at a sale.

The conditions to the validity of a farm are the following.

*First.*—That the mehal be in arrears on the sunset of the day preceding that on which the farm is given.

*Secondly.*—That when the mehal is in arrears, proclamation of the intended farm be made by notice in the collector's office, and in the Judge's Court, and in the office of the tehseldar and moonsiff, within whose jurisdiction the mehal in arrears may be situate, for a period not less than fifteen days before the grant of the farm. The notice shall set forth the mehal in arrears, and the arrear due on the date of proclamation.

If there be any arrear due on the sunset of the 15th day after notice, the collector is competent to farm the mehal to any party willing to engage for it, and to give that party immediate possession, subject to the confirmation of the Sudder Board of Revenue. The duration of the farm may not exceed 12 complete agricultural years, following that in which the farm is given.

The Government is competent within one year from the date on which the farm was granted, to confirm or to annul it, provided that in the event of the annulment of a farm confirmed by the Sudder Board of Revenue, due provision must be made for giving compensation to the farmer for any actual loss or

damage he may sustain consequent on his temporary occupation of the mehal. On the expiration of one year from the date on which the farm was granted, the farmer is not liable to be ousted from the mehal, so long as he continues to pay the land revenue due from the mehal, or specified in his lease, till the expiration of the lease.

The farmer is responsible for all the arrears that may occur on the mehal from the date on which he makes tender for the farm.

On the termination of a farm in consequence of the demise of the farmer, or declaration of forfeiture on failure to pay the Government revenue, the collector is competent to make such arrangement as he thinks best for the remaining period of the 12 years, that may have to run from the date on which the defaulting proprietors were excluded.

On the termination of a farm in consequence of the expiration of the lease, the settlement of the mehal revives of itself, and the proprietors will re-enter on the terms on which they could have stood if the farm had never been given farm. They will be bound by all obligations which rested upon them when the farm was given including any arrears then due from them on account of the mehal and not subsequently liquidated, but they are not responsible for any arrears which may have occurred whilst they were out of possession.

The proprietors, on recovering possession of a mehal after the termination of a farm will not be bound by any acts of a farmer which are at variance with the recorded usage of the mehal, or the established usage of the pergunnah.

Immediately on giving possession of the mehal to a farmer, the collector is bound on the requisition of the farmer or of any biswadar or occupant of land in the mehal, or otherwise at his discretion, to define and make a record of all rights possessed by persons connected with the mehal under the judicial powers for that purpose vested in him.

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## CHAPTER XVII.

ON THE ATTACHMENT AND SEQUESTRATION OF A MEHAL BY  
GOVERNMENT FOR AN ARREAR OF LAND REVENUE.

A collector is competent immediately on the occurrence of an arrear on a mehal, to attach the mehal, and to collect in the room of the sudder malgoozar all the revenue and rents of the mehal in the same manner that the sudder malgoozar would have collected them, if he had remained in possession. This proceeding is called *koork tehseel*.

On the termination of the attachment by liquidation of the arrear, or restoration of the mehal to the proprietor, the collector is bound to account to the proprietor for all sums received by him from the mehal, or disbursed on account of the mehal. The proprietor on re-entering the mehal and receiving the account so offered to him, becomes responsible for all land revenue due from the mehal as though he had never lost possession by means of the attachment.

The sequestration of a mehal for an arrear of land revenue conveys to the Government, free of all encumbrances from any act of the defaulter, all the proprietary rights of the same kind, with the proprietors of which the settlement was made, in the same way and to the same extent, that they would be conveyed permanently to a purchaser at a sale. This proceeding is called *kham tehseel*.

The conditions to the validity of sequestration are the following.

*First.*—That the mehal be in arrears on the sunset of the day proceeding that on which sequestration is declared.

*Secondly.*—That when the mehal is in arrears, proclamation of the intended sequestration be made by notice in the collector's office and in the Judge's Court and in the offices of the *tehseeldar* and *moonsiff*, within whose jurisdiction the mehal in arrears may be situate, for a period not less than fifteen days before the declaration of the sequestration. The notice shall set forth the mehal in arrears and the arrear due on the date of proclamation.

If there be any arrear due on the sunset of the 15th day after the issue of notice, the collector is competent to declare the mehal sequestrated for a period not exceeding 12 complete agri-

cultural years following that in which the sequestration is declared.

The proprietor cannot claim re-entry on the mehal for the period of 12 years, but the collector is competent at any time under authority for that purpose conveyed to him by the commissioner to declare the sequestration terminated either on the conclusion of the agricultural year or in the middle of an agricultural year if the proprietor consent.

A collector is competent to farm a mehal under sequestration for any period not exceeding that for which the sequestration has to run.

On the declaration by the collector of the termination of a sequestration, the settlement of the mehal revives of itself, and the proprietors will re-enter on the mehal on the terms on which they would have stood, if they had never been put out of possession. They will be bound by all obligations which rested upon them, when they were first put out of possession, including any arrears then due from them on account of the mehal, and not subsequently liquidated, but they are not responsible for any arrears which may have occurred whilst they were out of possession.

Immediately after declaring the sequestration of a mehal, the collector is bound to define and make a record of all rights possessed by persons connected with the mehal, under the judicial powers for that purpose vested in him.

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## CHAPTER XVIII.

### ON THE ISSUE OF DUSTUKS.

A dustuk is a writ of demand and summons. It may be served by a footman or horseman, and the expense of serving it is chargeable to the person to whom it is addressed. The sum so charged is called tulubana.

When a mehal is in arrears, the collector or the tehseeldar having jurisdiction over the mehal, or the place where the defaulter resides, may issue one or more dustuk simultaneously or consecutively to the defaulter warning him to pay the demand

or to appear before himself and answer for the default. Where there are more defaulters than one, a single dustuk may be issued against the whole collectively, or a separate dustuk may be issued against any one of them.

If the bearer of the dustuk can meet with the person to whom the dustuk is addressed, he may arrest him and bring him in to the collector or tchseeldars who issued the dustuk. Any person jointly resisting arrest, or after arrest, making his escape from it, is liable to the punishment prescribed for resistance of the process of a Dewany Court.

All police officers are bound to assist the bearer of the dustuk in making an arrest, and in preventing the escape of an arrested person.

The amount of tulubanaah chargeable for each dustuk shall be regulated as the Government thinks fit, so as to represent the actual or fair average charge for serving the dustuk, by a horse-man or a footman. One man may be the bearer of more than one dustuk.

A tchseeldar is authorized to detain a defaulter so arrested at his office in charge of the bearer of the dustuk for the period of 10 days, at the expiration of which period, if the arrear be not paid, he is bound to send the defaulters to the collector, who may detain him in charge of the bearer of the dustuk for a further period of 10 days, after which if the arrear be not paid, the collector must either imprison or release the defaulter.

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## CHAPTER XIX.

### ON THE IMPRISONMENT OF A DEFAULTER.

A collector is authorized to imprison a defaulter in the civil jail under a writ issued by himself addressed to the keeper of the jail, and to detain the defaulter in confinement till the arrear be liquidated.

During the period of a defaulter's imprisonment, the collector is bound to advance subsistence allowance for the prisoner's support at the rate allowed to prisoners confined in the civil jail on the suit of private parties. If the collector fail to advance

the money, the officer in charge of the jail shall advance it from the public funds at his disposal, charging the amount to the collector. The sum so disbursed for the subsistence of a defaulter is recoverable as an arrear of land revenue from the mehal in arrears.

Insolvent defaulters are entitled to claim from collectors their discharge from prison, provided that they surrender their whole property and that they are not found guilty of any fraudulent concealment or alienation of property. Defaulters found guilty by the collector of the fraudulent concealment or alienation of property are liable to imprisonment in the civil jail for a period not exceeding two years from the date of conviction.

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## CHAPTER XX.

### ON THE SALE OF THE PERSONAL PROPERTY OF A DEFAULTER.

The collector is competent through the agency of the tehsildar or any other officer specially deputed for the purpose to cause the personal or movable property of a defaulter to be sold by public auction for the liquidation of the arrear, provided that it shall not be lawful to sell for an arrear of revenue, the ploughs, implements of husbandry, and cattle actually employed in agriculture, or the tools of an artisan.

The personal property of a defaulter shall be sold in the same manner, and under the same rules, as personal property is sold in execution of decree of a Dewany Court.

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## CHAPTER XXI.

### ON THE SALE OR TEMPORARY ALIENATION OF THE PROPERTIES OF DEFAULTERS IN A MEHAL IN ARREARS.

When a copareenary mehal is in arrear, the collector is competent to proceed against the share or puttee of the individual defaulter, or against the puttee or thoke in which the defaulter is a puttedar in any of the four following modes.



*First.*—By selling the share or puttee or thoke by public auction.

*Secondly.*—By transferring the share, puttee or thoke to a coparcener in the mehal.

*Thirdly.*—By farming the puttee or thoke to a person who is not a coparcener in the mehal.

*Fourthly.*—By attaching or sequestrating the puttee or thoke.

The two first processes of sale or transfer may be enforced against the property of any coparcener in a coparcenary mehal. The two last processes of farm or attachment or sequestration may only be enforced against a puttee or thoke in a putteedarry mehal. The sale of a share, puttee or thoke in arrear shall be conducted in the same manner and have the same effects as the sale of an entire mehal in arrear.

On the occasion of the sale of any share puttee or thoke in arrear, if the lot shall have been knocked down to a person who is not a coparcener, then any coparcener who is not himself in arrears nor a putteedar in the puttee or thoke sold may claim to take the puttee at the sum last bid, provided that the claim be made on the day of sale, and before the collector have left the office, and provided that the claimant fulfil all other conditions of the sale. If more than one coparcener claims to take the puttee, then the first claimant shall be entitled to the preference, and on his failure the next claimant and so on.

The purchaser of the share or puttee or thoke thus sold occupies the place in the coparcenary body, which was held by the former proprietor or proprietors. By the act of purchase he takes on himself all the responsibilities and rights of a malgoozar, and becomes bound by the customs and usage of the mehal.

When a coparcenary mehal is in arrear, the Collector is competent to transfer a share or puttee or thoke in arrear to any coparcener in the mehal, who is not himself in arrears nor a putteedar in the puttee or thoke in arrears, on payment by the transferee of the arrear. The transfer may be till repayment by the defaulter or defaulters of the arrear, or for a fixed period not exceeding twelve years and after the expiration of that period till repayment of the arrear, or for a fixed period not ex-

ceeding twelve years, without repayment of the arrear, as the collector and the transferee may agree at the time of transfer.

The transfer of a share or puttee or thoke in arrear to a coparcener in no degree weakens the joint-responsibility of the whole coparcenary body. The entire mehal remains open to sale or farm or sequestration. The excluded defaulter is bound by the acts of the transferee and of the whole coparcenary body, so far as regards the payment of the Government revenue. But as regards transactions with individuals, the transferee can only alienate the temporary right which he possesses on the termination of the transfer, the defaulter recovering possession of his share or puttee free from any incumbrance by the transaction of the transferee with individuals.

When a putteedaree mehal is in arrear, the collector is competent to farm the puttee or thoke in arrear to any person not being a coparcener in the mehal, for a period not exceeding twelve years. The farm of the puttee or thoke in arrear shall be conducted in the same manner and have the same effect as the farm of an entire mehal in arrear.

Pending the duration of the farm of a puttee or thoke of a putteedaree mehal, the joint-responsibility of the malgoozars is so far suspended. The farmer is responsible only for his own default, and the coparceners of the settled portion of the mehal are jointly responsible for their own default, according to the custom and usage of the mehal. On the termination of the farm the joint-responsibility of the whole mehal revives as it would have been if the farm had not been given. During the currency of the farm the settled portion of the mehal may be proceeded against in any way as though it were an entire mehal.

In all these cases of the sale transfer, farm, attachment, or sequestration, of the share or puttee, the defaulter during the period of his exclusion, retains possession of his seer land as an occupant by prescription. Immediately on the conclusion of the sale, transfer, or farm, the collector is bound in the application of any party possessing a right in the share or puttee, or otherwise at his discretion, to determine the quantity of land which the excluded defaulter or any other occupant is entitled to occupy, and the rates which he is to pay for it.

When a putteedarce mehal is in arrear, the collector is competent to attach or sequester the puttee or thoke in arrear for a period not exceeding twelve years. The attachment or sequestration of the puttee or thoke in arrears shall be conducted in the same manner and have the same effects as the attachment or sequestration of an entire mehal in arrear.

Pending the duration of the attachment or sequestration of a puttee or thoke of a mehal, the joint-responsibility of the malgoozar is so far suspended. The coparceners of the settled portion of the mehal are jointly responsible only for their own default, according to the custom and usage of the mehal. On the termination of the attachment or sequestration, the joint-responsibility of the whole mehal revives as it would have been if the attachment or sequestration had never taken place. During the currency of the attachment or sequestration the settled portion of the mehal may be proceeded against in any way as though it were an entire mehal.

No transfer of a share, puttee, or thoke, in arrear to coparcener shall take place without fifteen days' notice of the intention to transfer in the collector's office and in the Judge's Court and in the office of the tehsildar and moonsiff within whose jurisdiction the mehal may be situate, for the period not less than fifteen days, before the completion of the transfer. The notice shall set forth the extent and jumma of the property to be transferred, the mehal in which it is situate, and the arrear due on the date of proclamation.

If there be any arrear due on the sunset of the fifteenth day after the issue of the notice, the collector may transfer the property to any coparcener qualified to take it, and in the event of there being more offers than one, he may select that offer which he considers preferable. The collector may give immediate possession to the transferee subject to confirmation by the Sudder Board of Revenue.

The Government is competent within one year from the date on which the transfer was made to confirm or annul it, provided that in the event of annulment of a transfer confirmed by the Sudder Board of Revenue, due provision must be made for giving compensation to the transferee for any actual loss or damage he may

sustain consequent on his temporary occupation of the property. From the expiration of one year from the date on which the transfer was completed, it is no longer liable to annulment.

If the transfer be made so as to last till the arrear be repaid by the defaulters, then after the expiration of the twelve years from the date of transfer, the transferee may claim entire proprietary possession of the share, puttee, or thoke, if the defaulter or defaulters fail to repay the arrear within one year from the date of notice served upon them for that purpose by the collector on the application of the transferee, or, in the event of the defaulters' absence, from the date of proclamation to that effect made in the collector's office and the Judge's Court and the office of the tehsildar and moonsiff in whose jurisdiction the mehal is situate.

The coparcener who then takes a share, puttee, or thoke, in transfer, obtains it free from any incumbrance which may have arisen from the act of the defaulter in the same way that he would have acquired it by sale or by farm.

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## CHAPTER XXII.

### ON THE SALE OF THE PROPRIETARY RIGHTS OF DEFAULTERS IN OTHER MEHALS THAN THAT IN ARREARS.

If an arrear is not liquidated by sale of the mehal in arrears, the collector is empowered to sell the proprietary rights of the defaulters in other mehals than that in arrears. But in case of such sale, it is the proprietary right only of the defaulter, which is sold, subject to any incumbrance with which the proprietor may have burthened it, or any transfer of it which he may have completed prior to the issue of process against the property.

The sale of such proprietary right shall be conducted in the same manner, and shall have the same effect, as the sale of a proprietary right in a mehal in execution of a decree of a Dewanny Court.

On the sale becoming final, the collector is competent judicially to determine the nature and extent of the proprietary right which the purchaser has acquired, and to give him possession

accordingly. The collector is further bound on the application of any person possessing an interest in the mehal, in which the defaulter's proprietary right has been sold, judicially to determine the position in which the purchaser shall stand with reference to all other persons possessing rights or interests in the mehal.

When a collector determines to proceed against the proprietary rights of a defaulter in another mehal than that in arrears, he is competent any time before the sale to attach the proprietary rights of the defaulter, so as to prevent their illegal alienation, and to hold them attached till the sale becomes final or till the process against the proprietary rights is withdrawn.

No act of the collector regarding such sale of proprietary rights lessens or in any way affects the liability of the whole mehal in which those rights are held for the amount of revenue assessed upon it.

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## CHAPTER XXIII.

### ON THE JUDICIAL POWERS OF THE COLLECTOR IN SUITS REGARDING REVENUE AND RENT, AND RIGHTS CONNECTED THEREWITH.

The collector is bound to hear and summarily determine all complaints made to him in the following matters.

*First.*—Regarding the payment of revenue by proprietors in coparcenary and talookdarree estates.

*Second.*—Regarding the payment of rent by proprietors and the occupants of land.

*Third.*—Regarding the occupancy of land.

*Fourth.*—Regarding the rendition of accounts by paid accountants.

In hearing and deciding suits of the above classes, the collector will exercise all the powers and privileges of a Court of Justice as declared in Section—Chapter—

The usual mode of summons to answer to complaints of this kind will be by dustuk. But the collector is competent to dispense with the personal attendance of the parties before him and to allow them to appear by attorney.

In conducting the enquiries the collector is competent to proceed in any of the methods already prescribed in Chapter VII. as he may consider best calculated to the discovery of the truth in the most expeditious manner and with the least expense to the parties.

The summary investigation of the collector shall be confined to the simple adjudication of the question put before him, without advertence to counter-claims which may be urged to repel the claim advanced.

The plaint for whatever amount or on whatever account shall be written on a stamp paper of the value of 8 annas, and this shall be the only stamp requisite in the proceedings.

No suit shall be entertained in which the cause of action has arisen more than a year before the date of institution of the suit.

An appeal to the commissioner in suits of this nature will only lie on the relevancy of the Act to the case appealed. If in appeal on this ground, the case appear to the commissioner not to be cognizable under this Act, then he shall reverse the judgment of the collector and pass such further orders as may be necessary to restore the parties as nearly as possible to the position in which they were, before the irregular intervention of the collector.

A regular suit in the Dewanny Court to set aside the summary decision given by the collectors in cases of this kind shall be of the nature of a new trial on the merits of the case. The *onus probandi* rests with the party that sues before the Court for the rescission or modification of the decision passed by the collector. No decision of a collector shall be set aside by a Dewanny Court on the ground of informality or incompetency under the Act.

A regular suit in the Dewanny Court to set aside the summary decision of a collector in cases of the kind specified in this Chapter must be brought before the expiration of one year from the delivery or the tender of the collector's decision to the party against whom the decision was past.

If it be brought to the notice of the collector that a suit is pending before him on a matter regarding which a regular suit is also at the same time pending before a Dewanny Court, he

shall suspend his proceedings and make over the record of the case to the Judge of the district in which the regular suit is pending.

Summary suits on the revenue matters noted in this Chapter in lakheraj mehals shall be heard and determined in the same manner as in the khalisah mehals, the lakherajdar occupying the place of the sudder malgoozar.

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## CHAPTER XXIV.

### ON SUMMARY SUITS REGARDING THE PAYMENT OF REVENUE.

Revenue is due from proprietors to the sudder malgoozar, according to the instalments of the Government revenue from the mehal, fifteen days before each instalment falls due to the Government. In lakheraj mehals the instalments shall be determined according to the pergunnah custom, or to the custom of the mehal, or they shall stand as fixed by the collector at the time of settlement.

Simple interest not exceeding 12 per cent. per annum, is chargeable on all arrears of revenue from the date on which the instalment falls due. Interest with costs shall be awarded in the summary decree.

A collector is bound to hear and decide suits brought by sudder malgoozars or lakherajdars against co-parceners or biswadars for the amount of the Government revenue due, and payable through them, together with the portion of the village expenses, and all other items, which according to the custom of the mehal, are legally chargeable to the proprietors.

The collector is bound to hear and determine all suits brought by co-parceners or biswadars, to determine the amount of revenue due from them to Government through the sudder malgoozar or lakherajdar together with the portion of the village expenses, and all other items which according to the custom of the mehal are legally claimable from them. On determining the amount due, the collector shall restrain the sudder malgoozar from demanding more, or in the event of the sudder malgoozar having collected more than the amount so determined, shall compel him to refund

the excess, with simple interest at 12 per cent. per annum on that excess, and damages at discretion not exceeding in amount the excess.

The collector is bound to hear and decide all suits brought against sudder malgoozars, by talookdars, excluded proprietors, or others who are entitled to payments from the mehal of a certain per centage on the revenue or rent of the nature of a rent charge.

Summary suits for arrears of revenue are of the nature of an adjustment of the accounts between proprietors for the current year, and will generally be determined on simple inspection of the accounts of the mehal for the year, as produced and sworn to by the putwarce of the mehal, wherever those accounts appear to be trustworthy. Pleas involving mercantile or other transactions which are not ordinarily entered in the accounts of the year, or the adjustment of accounts beyond the period of one year preceding the date on which the suit was instituted, shall not be entertained by the collector.

No sudder malgoozar or lakherajdar possesses a lien on the crops of a proprietor, nor is he competent to attach the crops in satisfaction of his demand for revenue. He possesses a lien on the personal property of the proprietor, and on the landed property upon which the revenue is due provided that the prior lien of the Government upon the whole mehal be satisfied.

If a proprietor fail on demand by the collector to pay the sum decreed to be due by him, the collector shall proceed to execute the decree by sale of the property on which the arrear accrued, or by sale of the personal property of the defendants, with the exception of his agricultural implements, of his cattle actually trained to the plough and used in drawing it, or of his seed, or by sale of both. The defendant is further liable to imprisonment till the balance is liquidated under the same rules as are applicable to the imprisonment of debtors in execution of the decree of a Dewanny Court.

It shall further be in the option of the decree-holder to cause the landed property of the defendant in the mehal in which the sum decreed is due, to be farmed for a period not exceeding 12 years, to any person making good the amount, or to hold the



land kham, till from the proceeds of the kham holding, the principal of the sum due be defrayed with interest not exceeding 12 per cent. per annum, it being in the powers of the proprietor whose property is thus held kham, by paying up the balance of principal or interest then due, to re-enter on possession of the property. Provided always that no such arrangements shall in any way weaken the prior lien of the Government upon the whole mehal, for any arrear of revenue, which may fall due. The collector is bound to hear and determine all questions that may arise in the proceedings in satisfaction of the decree, till the whole amount decreed be made good.

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## CHAPTER XXV.

### ON SUMMARY SUITS REGARDING THE PAYMENT OF RENT.

The proprietor of a field, or any person who is authorized to receive the rents of a field in the place of a proprietor or on his behalf is called a rent-owner. The occupant of a field or any person who is bound on his behalf to pay the rent due upon the field is called a rent-payer. When leases of land are given, the lessor is by the terms of the contract a rent-owner and the lessee a rent-payer. The same person may be rent-owner with respect to one person and rent-payer with respect to another person.

In leases, rent falls due from the rent-payer to the rent-owner according to the terms of the lease, or if there be no specification on this head in the contract, then according to the usage of the mehal, or the equity of the case.

If the rent-payer be an occupant cultivator or one who in his right of occupancy is responsible for the rent of the field, then the rent-owner possesses a lien upon the crops, and may insist upon payment of the rent, or security for its payment before the removal of the crops. The rent is therefore due on the ripening of the crop.

A collector is bound to hear all suits brought by a rent-owner against a rent-payer for all rent claimed to be due, and to determine the amount due, with simple interest at 12 per cent. per

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annum, and to enforce payment of the sum so determined due with all costs of suit.

A collector is bound to hear all suits brought by a rent-owner against a rent-owner, complaining of the unjust demand excessive amount of rent and loss or damage consequent sustained. On such suits the collector shall determine amount justly due by the rent-payer on account of rent the rent-owner on account of excessive demand and damage shall cause payment to be made by one to the other with interest at 12 per cent. per annum and cost of suit. Provided that the sum awarded as damages never exceed the amount demanded in excess by the rent-owner.

Whenever the rent-owner possesses a lien upon a crop competent to prevent the removal of the crop till the amount of rent due upon it is paid. This he is competent to do by his servants and at the cost of the rent-payer, or through the tehsildar. If the rent be not paid when the crop ripens, the rent-owner, after having instituted a summary suit for the amount claimed, may cause the crop to be cut, stored and sold by his own servants or through the agency of the tehsildar. The tehsildar is bound immediately on written application made to him, to cause the crop to be attached or cut, and sold as may be necessary, and shall hold the amount deposited pending the award of the collector.

If a rent-payer whose crop is attached, dispute the justice of the demand he may release his crop from attachment by depositing of security that he will pay the demand or such portion of the demand as may be determined to be due from him with interest at 12 per cent. per annum. The security may be tendered to the rent-owner or to the tehsildar, who is bound to pay immediate attention to all such tenders made to him in writing, and on being satisfied of the sufficiency of the security to remove the attachment, and suffer the rent-payer to dispose of the crop as he thinks fit. If within fifteen days of finding such security the rent-payer fail to institute a suit disputing the justice of the demand then the full amount demanded shall be recovered from him out of his security, in the same mode as a sum due in execution of a decree.

The sum claimable by a rent-owner under the summary process authorized in this Chapter, shall not exceed the sum of money, or the proportion of produce, paid during the past year for the same land. No claim to increase shall be heard except on *bond fide* written engagements, or an order of Court competent to award increase.

Summary suits for rent are of the nature of an adjustment of the accounts of the year between the rent-owners and the rent-payers, and will generally be determined on simple inspection of the accounts of the mehal, as produced and sworn to by the putwarree or accountant of the mehal whenever those accounts appear to be trustworthy. Pleas involving mercantile or other transactions which are not ordinarily entered in the accounts, or the adjustment of arrears of rent outstanding more than one year are not to be entertained by the collector.

If a rent-payer fail on demand by the collector to pay the sum decreed to be due by him, the collector shall proceed to realize the amount by sale of the crops on his land or of his personal property, with the exception of his agricultural implements, of his cattle trained to the plough and actually used in drawing it, or of his seed. The defendant is further liable to imprisonment under the same rules as are applicable to the imprisonment of debtors in execution of the decree of a Dewanny Court. If the person thus failing to pay the sum decreed be an occupant by contract, the collector shall, on the application of the decreeholder, annul the contract, and proceed further to realize the amount from the occupant's security, if he have furnished security, in the same way as from the occupant himself. If the person thus failing to pay the sum decreed be an occupant by prescription, the collector shall, on the application of the decreeholder, declare his right of occupancy forfeited, notwithstanding any temporary transfer of the land by the occupant and shall give the proprietor possession of it.

If a rent-owner fail on demand by the collector to pay the sum decreed to be due by him, the collector shall proceed to realize the same by the sale of his real property in the mehal, or by the sale of his personal property or by imprisonment in the Civil Jail, or by any or all of these means.

## CHAPTER XXVI.

## ON SUITS REGARDING THE OCCUPANCY OF LANDS.

A collector is bound to hear and decide all suits brought by proprietors against occupants for ejection from the land or by occupants against proprietors or persons acting on the behalf of proprietors for maintenance of their occupation.

An occupant by contract is not liable to ejection from the rights he occupies, except on his failure to fulfil the terms of his contract, or on the occurrence of some event which terminates or vitiates the contract.

An occupant by prescription is not liable to ejection from the land he occupies, except on his failure to pay the rent due from the land, or on his failure to cultivate the land himself, or to provide for its cultivation by others on his responsibility. Occupants by prescription, desirous to resign the land which they occupy must do so in writing before the commencement of the agricultural year, by notice to the putwarree, and to the tehsildar of the pergunnah, or the collector of the district. If they neglect to do this they are responsible for the rest of the year.

Occupants at will are not liable to ejection from the land they occupy, except at the close of the agricultural year, or on the removal of the crop then on the ground. They must not then be forcibly ejected except on the strongest proof that they possess no rights of occupancy either by contract or prescription. The *onus probandi* rests on the persons suing to eject them.

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## CHAPTER XXVII.

## ON PUTWARREES.

The accountants of mehals are either official, viz. the putwarrees, or by contract as being engaged by one or more proprietors to keep the accounts of the whole or part of the mahal. Accountants by contract must be registered in the collector's offices six months before the institution of the suit, in order to bring them under the provisions of this Act.

The accountant of a mehal is bound to keep the accounts of the whole mehal, or of such portion as he is appointed to or contracts for, and to furnish full information to all persons possessing rights in the mehal, regarding the entries in his accounts regarding those rights.

The collector is bound to hear and decide all suits brought by persons possessing rights in a mehal against the accountant and to compel the production of all information regarding those rights.

On failure of the accountant to produce the required accounts, the collector is competent to imprison him in the Civil Jail till the accounts be produced or to impose on him a daily fine of one rupee a day, and to realize the amount in the same manner as any other amount decreed in summary suit.

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## CHAPTER XXVIII.

### DUTIES OF A COLLECTOR WITH REGARD TO THE DEWANNY COURT.

The collector is the representative of the Government in all suits brought by or against the Government in the Dewanny Court. The collector will act in this capacity under such rules as the Government may prescribe.

The collector is also the ministerial officer of the Dewanny Court bound to give effect to all the orders of the Court, legally issued.

Divisions of mehals when ordered by the Court must be made by the collector. In making such divisions the collectors shall proceed as in divisions made on applications of the parties, save and except that such orders as may be made during the progress of the divisions affecting the extent of the portion to be given to the party, under the protection of the Court, shall be subject to the Court's approval, provided that the Court have no authority to regulate the amount of juma demandable from the portions of the mehals to which they consider the party under their protection entitled.

Attachment of khalsa mehals, ordered by the Dewanny Court must be made through the collector. The Court shall decide the extent to which the attachment shall extend, whether to mere attachment of rights or entire sequestration of profits. No such attachment ordered by a Dewanny Court shall exempt the mahal from liability to sale on account of an arrear of land revenue.

The collector is responsible to his superior in the revenue department only for the right management of property so attached. The Dewanny Court cannot, unless in a separate regular suit brought for the purpose against the collector, compel the production of accounts.

Sales of the rights and interests of persons in khalsa mehals in execution of decrees of Dewanny Courts, must be made by the collectors, under the provisions of Act IV. 1816.

The collectors are bound to try all issues regarding rights in khalisah mehals, which may be made over to them for investigation by the Dewanny Court, and to make their report upon the same to the Court, according to equity and good conscience.

In the execution of decrees, affecting rights in khalisah mehals, the collectors are bound to aid the Courts in any way that may be required of them in giving possession, adjusting accounts, or determining rates of rent, or so forth.

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## CHAPTER XXIX.

### DUTIES OF A COLLECTOR AS DISTRICT TREASURER, AND ACCOUNTANT.

The collector is treasurer of the district of which he is placed in charge, and is bound to account to the Government for all monies received and paid within the district in such manner as the Government direct.

The collector is personally responsible for the faithful collection and disbursement of all monies in his charge belonging to the Government. He is bound to make good all sums embezzled or lost, by the fraud or negligence of himself or his subordinates.

The native treasurer is responsible for the safe keeping of all sums entrusted to his charge. He shall receive such salary and find such security as may be required of him by the Government.

The treasuries at the several taluquedars, and the accounts of monies received and disbursed there, shall be regulated by such rules as the Government may prescribe.

